



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**May 07, 2013**

H1440 .....	2
H1441 .....	4
H1442 .....	5
HF647 .....	6
HSB239 .....	9
S3221 .....	14
S3222 .....	16
S3223 .....	18
S3224 .....	79
S3225 .....	81
S3226 .....	82
S3227 .....	83
S3228 .....	84
S3229 .....	85
S3230 .....	88
S3231 .....	89
S3232 .....	91
S3233 .....	92
S3234 .....	93
S3235 .....	95
S3236 .....	96
S3237 .....	101
S3238 .....	102
S3239 .....	103
S3240 .....	104
S3241 .....	105
S3242 .....	111
S3243 .....	121



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

Senate File 338

H-1440

1 Amend Senate File 338, as passed by the Senate, as  
2 follows:  
3 1. Page 1, before line 1 by inserting:  
4 <Section 1. NEW SECTION. 137G.1 Food vendor —  
5 motor vehicle — background check.  
6 1. A business that operates a motor vehicle  
7 primarily marketing the sale and dispensing of ice  
8 cream or other food products from or near the motor  
9 vehicle to children may require an applicant for  
10 employment or employee of the business to be subject to  
11 a criminal history and abuse registry record background  
12 check. The business shall perform the background check  
13 by accessing the single contact repository established  
14 under section 135C.33, subsection 6.  
15 2. The business shall inform the applicant or  
16 employee of the requirement of the background check  
17 required under subsection 1 and obtain a signed waiver  
18 from the applicant or employee prior to requesting such  
19 a check.  
20 Sec. \_\_\_\_\_. Section 235A.15, subsection 2, paragraph  
21 e, Code 2013, is amended by adding the following new  
22 subparagraph:  
23 NEW SUBPARAGRAPH. (24) To a business which is  
24 authorized to perform a background check pursuant to  
25 section 137G.1.  
26 Sec. \_\_\_\_\_. Section 235B.6, subsection 2, paragraph  
27 e, Code 2013, is amended by adding the following new  
28 subparagraph:  
29 NEW SUBPARAGRAPH. (19) To a business which is  
30 authorized to perform a background check pursuant to  
31 section 137G.1.>  
32 2. Page 1, by striking lines 5 and 6 and inserting  
33 <review the sex offender registry>  
34 3. Page 1, by striking lines 12 through 16 and  
35 inserting <district shall implement a consistent policy  
36 to follow the same procedure for each school employee  
37 employed by the school district on or after July  
38 1, 2013, at least every five years after the school  
39 employee's date of hire. A school district shall not  
40 charge>  
41 4. Page 2, after line 1 by inserting:  
42 <Sec. \_\_\_\_\_. Section 298.4, subsection 1, Code 2013,  
43 is amended by adding the following new paragraph:  
44 NEW PARAGRAPH. f. To pay the cost of background  
45 investigations under section 279.69.>  
46 5. Page 2, line 6, by striking <257.16> and  
47 inserting <257.16, or from the district management levy  
48 under section 298.4>  
49 6. Title page, line 1, after <employees> by  
50 inserting <and certain food vendors>

SF338.2207 (3) 85

-1-

je/nh

1/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 7. By renumbering as necessary.

---

HESS of Clay



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

Senate File 432

H-1441

1 Amend Senate File 432, as passed by the Senate, as  
2 follows:  
3 1. Page 4, after line 16 by inserting:  
4 <DIVISION \_\_\_\_\_  
5 EDUCATIONAL INSTITUTION PROPERTY TAX EXEMPTION  
6 Sec. \_\_\_\_\_. EDUCATIONAL INSTITUTION PROPERTY TAX  
7 EXEMPTION — FILING. Notwithstanding the requirement  
8 for the filing of a statement claiming the property  
9 tax exemption by February 1 as provided in section  
10 427.1, subsection 9, for the assessment year beginning  
11 January 1, 2013, the statement claiming the exemption  
12 under section 427.1, subsection 9, for property owned  
13 by an educational institution as part of its endowment  
14 fund that was acquired by the educational institution  
15 from a governmental entity after January 1, 2012, and  
16 that is located in a county having a population of  
17 at least two hundred thousand but not more than two  
18 hundred fifty thousand according to the 2010 federal  
19 decennial census, shall be filed not later than thirty  
20 days following the effective date of this division of  
21 this Act.  
22 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. This division  
23 of this Act, being deemed of immediate importance,  
24 takes effect upon enactment.  
25 Sec. \_\_\_\_\_. RETROACTIVE APPLICABILITY. This division  
26 of this Act applies retroactively to January 1, 2013,  
27 for assessment years beginning on or after that date.>  
28 2. Title page, line 4, by striking <taxes> and  
29 inserting <taxes, and including effective date and  
30 retroactive applicability provisions>  
31 3. By renumbering as necessary.

\_\_\_\_\_  
WINDSCHITL of Harrison

\_\_\_\_\_  
T. OLSON of Linn

SF432.2210 (1) 85

-1-

mm/sc

1/1



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

Senate File 406

H-1442

- 1 Amend the amendment, H-1251, to Senate File 406, as  
2 passed by the Senate, as follows:  
3 1. Page 1, after line 15 by inserting:  
4 <\_\_\_\_. Page 1, line 13, after <law.> by inserting  
5 <The person appointed as administrator must meet the  
6 qualifications to be appointed as a mental health  
7 advocate.>>  
8 2. Page 1, line 19, by striking <employed by a  
9 county> and inserting <serving>  
10 3. Page 1, by striking lines 25 and 26 and  
11 inserting:  
12 <\_\_\_\_. Page 1, line 29, by striking <advocates.>  
13 and inserting <advocates and for reassigning advocate  
14 responsibilities based on the location of the patient's  
15 placement or other patient need. The court shall be  
16 notified of any reassignment. The procedures for  
17 filling a vacant mental health>>  
18 4. Page 1, after line 29 by inserting:  
19 <\_\_\_\_. Page 2, after line 2 by inserting:  
20 <7. Implementing a uniform job description based  
21 upon the best practices for the duties of a mental  
22 health advocate developed and promulgated by the  
23 judicial council pursuant to section 229.19, subsection  
24 1, paragraph "c".>>  
25 5. Page 1, by striking lines 36 through 40 and  
26 inserting:  
27 <\_\_\_\_. Page 3, by striking lines 10 through 19 and  
28 inserting:  
29 <Sec. \_\_\_\_\_. Section 229.2, subsection 1, paragraph  
30 b, subparagraph (6), Code 2013, is amended to read as  
31 follows:  
32 (6) Upon approval of the admission of a minor  
33 over the minor's objections, the juvenile court  
34 shall appoint an individual to act as an advocate  
35 representing the interests of the minor in the same  
36 manner as ~~an~~ a mental health advocate representing  
37 the interests of patients involuntarily hospitalized  
38 ~~pursuant to~~ in accordance with section 229.19.>>  
39 6. Page 2, line 19, after <employees> by inserting  
40 <or independent contractors>  
41 7. By renumbering as necessary.

---

HEATON of Henry

H1251.2230 (1) 85

-1-

jp/rj

1/1



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

House File 647 - Introduced

HOUSE FILE 647  
BY COMMITTEE ON WAYS AND MEANS  
  
(SUCCESSOR TO HSB 238)

A BILL FOR

1 An Act relating to Iowa's urban renewal law by establishing  
2 restrictions on the issuance of certain bonds and other  
3 indebtedness and including effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2537HV (1) 85  
md/sc



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

H.F. 647

1 Section 1. Section 403.9, subsection 2, Code 2013, is  
2 amended to read as follows:

3 2. a. ~~Bonds issued under this section shall not constitute~~  
4 ~~an indebtedness within the meaning of any constitutional or~~  
5 ~~statutory debt limitation or restriction, and shall not be~~  
6 ~~subject to the provisions of any other law or charter relating~~  
7 ~~to the authorization, issuance or sale of bonds.~~ Bonds issued  
8 under the provisions of this chapter are declared to be issued  
9 for an essential public and governmental purpose and, together  
10 with interest thereon and income therefrom, shall be exempted  
11 from all taxes.

12 b. A municipality shall not issue bonds or incur other  
13 indebtedness under this chapter or under another provision  
14 of law that qualifies for payment as described in subsection  
15 1, except for refunding or refinancing of bonds or other  
16 indebtedness that does not result in an increase in the  
17 municipality's total outstanding indebtedness payable as  
18 described in subsection 1, if the municipality's outstanding  
19 indebtedness payable as described in subsection 1 exceeds an  
20 amount equal to the population of the municipality's area of  
21 operation, according to the most recent federal decennial  
22 census, times eight thousand dollars.

23 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
24 immediate importance, takes effect upon enactment.

25 EXPLANATION

26 This bill relates to Iowa's urban renewal law.

27 The bill strikes provisions of Code section 403.9 relating  
28 to whether the bonds issued under that Code section constitute  
29 indebtedness for purposes of constitutional and statutory  
30 debt limitations. The bill also provides that a municipality  
31 shall not issue bonds or incur other indebtedness under Code  
32 chapter 403 or under another provision of law that qualifies  
33 for payment from a division of revenue, except for refunding or  
34 refinancing of bonds or other indebtedness that does not result  
35 in an increase in the municipality's total outstanding urban

LSB 2537HV (1) 85

-1-

md/sc

1/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

H.F. 647

1 renewal indebtedness, if the municipality's outstanding urban  
2 renewal indebtedness exceeds an amount equal to the population  
3 of the municipality's area of operation, according to the most  
4 recent federal decennial census, times \$8,000.  
5 The bill takes effect upon enactment.





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

House Study Bill 239 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL BY  
CHAIRPERSON SODERBERG)

A BILL FOR

1 An Act creating the state bond repayment fund, making transfers  
2 to and appropriations from the fund, and including effective  
3 date and applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2538YC (2) 85  
jp/tm



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

H.F. \_\_\_\_\_

1 Section 1. STATE BOND REPAYMENT FUND — TAXPAYERS TRUST  
2 FUND. Notwithstanding section 8.55, subsection 2, paragraph  
3 "b", if the Iowa economic emergency fund reaches its maximum  
4 balance in the fiscal year beginning July 1, 2013, after the  
5 designated portion of the excess moneys is transferred to the  
6 taxpayers trust fund pursuant to section 8.55, subsection 2,  
7 paragraph "a", the next \$113,800,000 is transferred to the  
8 state bond repayment fund created by this Act. Any excess  
9 remaining after the transfer to the state bond repayment fund  
10 is transferred to the taxpayers trust fund.

11 Sec. 2. NEW SECTION. 8.57F State bond repayment fund.

12 1. a. The state bond repayment fund is created. The  
13 fund shall be separate from the general fund of the state and  
14 the balance in the fund shall not be considered part of the  
15 balance of the general fund of the state. The moneys credited  
16 to the fund are not subject to section 8.33 and shall not  
17 be transferred, used, obligated, appropriated, or otherwise  
18 encumbered except as provided in this section.

19 b. Moneys in the fund shall only be used for the defeasance  
20 or redemption of outstanding obligations of state-issued  
21 revenue bonds that have a debt service paid by a dedicated  
22 revenue source.

23 c. Moneys in the fund may be used for cash flow purposes  
24 during a fiscal year provided that any moneys so allocated are  
25 returned to the fund by the end of that fiscal year.

26 d. Except as provided in section 8.58, the fund shall be  
27 considered a special account for the purposes of section 8.53  
28 in determining the cash position of the general fund of the  
29 state for the payment of state obligations.

30 2. The following amounts, or so much thereof as is  
31 necessary, of the moneys credited to the fund for the fiscal  
32 year beginning July 1, 2013, are appropriated to the treasurer  
33 of state to defease or redeem the following state bonds in the  
34 indicated fiscal year in lieu of the revenue source otherwise  
35 designated by law for defeasance or redemption of the bonds:

LSB 2538YC (2) 85

-1-

jp/tm

1/4



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

H.F. \_\_\_\_\_

1     *a.* In the fiscal year beginning July 1, 2015, in conjunction  
2 with the honey creek premier destination park authority,  
3 for redemption of the premier destination park bonds issued  
4 pursuant to section 463C.12, thirty-three million seven hundred  
5 thousand dollars.

6     *b.* In the fiscal year beginning July 1, 2015, in conjunction  
7 with the Iowa finance authority, defeasance of the prison  
8 infrastructure revenue bonds issued pursuant to section 16.177,  
9 twenty-six million one hundred thousand dollars.

10    *c.* In the fiscal year beginning July 1, 2020, redemption  
11 of Iowa jobs program bonds issued pursuant to sections 12.87  
12 through 12.90, due for redemption during that fiscal year,  
13 twenty-nine million five hundred thousand dollars.

14    *d.* In the fiscal year beginning July 1, 2020, school  
15 infrastructure program bonds issued pursuant to sections 12.81  
16 through 12.86, due for defeasance during that fiscal year,  
17 twenty-four million five hundred thousand dollars.

18    Sec. 3. Section 8.58, Code 2013, is amended to read as  
19 follows:

20    **8.58 Exemption from automatic application.**

21    1. To the extent that moneys appropriated under section  
22 8.57 do not result in moneys being credited to the general fund  
23 under section 8.55, subsection 2, moneys appropriated under  
24 section 8.57 and moneys contained in the cash reserve fund,  
25 rebuild Iowa infrastructure fund, environment first fund, Iowa  
26 economic emergency fund, ~~and taxpayers trust fund,~~ and state  
27 bond repayment fund shall not be considered in the application  
28 of any formula, index, or other statutory triggering mechanism  
29 which would affect appropriations, payments, or taxation rates,  
30 contrary provisions of the Code notwithstanding.

31    2. To the extent that moneys appropriated under section  
32 8.57 do not result in moneys being credited to the general fund  
33 under section 8.55, subsection 2, moneys appropriated under  
34 section 8.57 and moneys contained in the cash reserve fund,  
35 rebuild Iowa infrastructure fund, environment first fund, Iowa

LSB 2538YC (2) 85

-2-

jp/tm

2/4



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

H.F. \_\_\_\_\_

1 economic emergency fund, ~~and taxpayers trust fund, and state~~  
2 bond repayment fund shall not be considered by an arbitrator or  
3 in negotiations under chapter 20.

4 Sec. 4. EFFECTIVE UPON ENACTMENT — APPLICABILITY.

5 1. This Act, being deemed of immediate importance, takes  
6 effect upon enactment.

7 2. The section of this Act providing for transfer of  
8 moneys from the Iowa economic emergency fund to the state bond  
9 repayment fund instead of the general fund of the state applies  
10 to transfers made from the Iowa economic emergency fund after  
11 the effective date of this Act and the state general fund  
12 expenditure limitation calculated for the fiscal year beginning  
13 July 1, 2013, shall be adjusted accordingly.

14 EXPLANATION

15 This bill creates the state bond repayment fund in new Code  
16 section 8.57F.

17 The excess revenues from the ending balance in the general  
18 fund of the state from the fiscal year beginning July 1, 2012,  
19 that under current law, flow through the cash reserve fund then  
20 to the Iowa economic emergency fund in the succeeding fiscal  
21 year, are addressed. Once the Iowa economic emergency fund  
22 has reached its maximum balance in the fiscal year beginning  
23 July 1, 2013, after the designated portion of the excess  
24 moneys is transferred to the taxpayers trust fund pursuant  
25 to Code section 8.55, subsection 2, paragraph "a", the next  
26 \$113,800,000 is transferred to the state bond repayment fund.  
27 Any excess remaining after the transfer to the state bond  
28 repayment fund is transferred to the taxpayers trust fund.

29 The state bond repayment fund is created to be separate  
30 from the general fund of the state and the balance in the fund  
31 is not to be considered part of the balance of the general  
32 fund of the state. Moneys in the fund shall only be used for  
33 the defeasance or redemption of outstanding obligations of  
34 state-issued revenue bonds that have a debt service paid by a  
35 dedicated revenue source.

LSB 2538YC (2) 85

-3-

jp/tm

3/4



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

H.F. \_\_\_\_\_

1 The moneys credited to the fund for the fiscal year beginning  
2 July 1, 2013, are appropriated to the treasurer of state  
3 to be used to defease or redeem various specified bonds in  
4 later fiscal years in lieu of the revenue sources otherwise  
5 designated by law.

6 Code section 8.58, exempting the balances in existing  
7 reserve funds from being considered in the application of any  
8 formula, index, or other statutory triggering mechanism which  
9 would affect appropriations, payments, or taxation rates,  
10 and by an arbitrator or collective bargaining negotiation  
11 under Code chapter 20, is amended by adding the new state bond  
12 repayment fund created in the bill.

13 The bill takes effect upon enactment, applies to transfers  
14 made from the Iowa economic emergency fund to the state bond  
15 repayment fund instead of the general fund on or after the  
16 effective date, and requires the effect of such transfers to  
17 be reflected by adjusting the state general fund expenditure  
18 limitation calculated for fiscal year 2013-2014 accordingly.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

House File 119

S-3221

1 Amend House File 119, as passed by the House, as  
2 follows:

3 1. By striking everything after the enacting clause  
4 and inserting:

5 <Section 1. Section 232.71C, subsection 1, Code  
6 2013, is amended to read as follows:

7 1. If, upon completion of an assessment performed  
8 under section 232.71B, the department determines  
9 that the best interests of the child require juvenile  
10 court action, the department shall act appropriately  
11 to initiate the action. If at any time during the  
12 assessment process the department believes court action  
13 is necessary to safeguard a child, the department shall  
14 act appropriately to initiate the action. The county  
15 attorney shall assist the department ~~as provided under~~  
16 ~~section 232.90, subsection 2.~~

17 Sec. 2. Section 232.90, Code 2013, is amended to  
18 read as follows:

19 **232.90 Duties of county attorney.**

20 1. As used in this section, "state" means the  
21 general interest held by the people in the health,  
22 safety, welfare, and protection of all children living  
23 in this state.

24 ~~1. 2.~~ 2. The county attorney shall represent the  
25 state in proceedings arising from a petition filed  
26 under this division and shall present evidence in  
27 support of the petition. The county attorney shall  
28 be present at proceedings initiated by petition under  
29 this division filed by an intake officer or the county  
30 attorney, or if a party to the proceedings contests  
31 the proceedings, or if the court determines there  
32 is a conflict of interest between the child and the  
33 child's parent, guardian, or custodian or if there are  
34 contested issues before the court.

35 ~~2. 3.~~ 3. ~~The county attorney shall represent the~~  
36 ~~department in proceedings arising under this division.~~  
37 ~~However, if~~ If there is disagreement between the  
38 department and the county attorney regarding the  
39 appropriate action to be taken, the department may  
40 request ~~to that the state~~ be represented by the  
41 attorney general in place of the county attorney. If  
42 the state is represented by the attorney general,  
43 the county attorney may continue to appear in the  
44 proceeding and may present the position of the county  
45 attorney regarding the appropriate action to be taken  
46 in the case.

47 4. The county attorney shall comply with the  
48 requirements of chapter 232B and the federal Indian  
49 Child Welfare Act, Pub. L. No. 95-608, when either  
50 chapter 232B or the federal Indian Child Welfare Act

HF119.1996 (2) 85

-1-

jm/rj

1/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 is determined to be applicable in any proceeding under  
2 this division.

3 Sec. 3. Section 232.114, Code 2013, is amended to  
4 read as follows:

5 **232.114 Duties of county attorney.**

6 1. As used in this section, "*state*" means the  
7 general interest held by the people in the health,  
8 safety, welfare, and protection of all children living  
9 in this state.

10 ~~1.~~ 2. Upon the filing of a petition the county  
11 attorney shall represent the state in all adversary  
12 proceedings arising under this division and shall  
13 present evidence in support of the petition.

14 ~~2.~~ 3. ~~The county attorney shall represent the~~  
15 ~~department in proceedings arising under this division.~~  
16 ~~However, if~~ If there is disagreement between the  
17 department and the county attorney regarding the  
18 appropriate action to be taken, the department may  
19 request ~~to~~ that the state be represented by the  
20 attorney general in place of the county attorney. If  
21 the state is represented by the attorney general,  
22 the county attorney may continue to appear in the  
23 proceeding and may present the position of the county  
24 attorney regarding the appropriate action to be taken  
25 in the case.

26 4. The county attorney shall comply with the  
27 requirements of chapter 232B and the federal Indian  
28 Child Welfare Act, Pub. L. No. 95-608, when either  
29 chapter 232B or the federal Indian Child Welfare Act  
30 is determined to be applicable in any proceeding under  
31 this division.>

ROBERT M. HOGG



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

House File 590

S-3222

1 Amend House File 590, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 6, by striking lines 28 through 35 and  
4 inserting:

5 <13. *Court-ordered and voluntary services.* The  
6 department shall provide or arrange for and monitor  
7 services for abused children and their families on a  
8 voluntary basis or under a final or intermediate order  
9 of the juvenile court. The department may provide  
10 or arrange for and monitor services for children and  
11 their families on a voluntary basis for cases in which  
12 a family assessment is completed.>

13 2. Page 7, after line 17 by inserting:

14 <NEW SUBSECTION. 13A. *Safety issue.* If the  
15 department determines that a safety issue continues  
16 to require a child to reside outside of the child's  
17 home at the conclusion of a family assessment, the  
18 department shall transfer the assessment to the child  
19 abuse assessment pathway for a disposition.

20 NEW SUBSECTION. 13B. *Conclusion of family*  
21 *assessment.* At the conclusion of a family assessment,  
22 the department shall transfer the case, if appropriate,  
23 to a contracted provider to review the service plan for  
24 the child and family. The contracted provider shall  
25 make a referral to the department abuse hotline if a  
26 family's noncompliance with a service plan places a  
27 child at risk. If any of the criteria for child abuse  
28 as defined in section 232.68, subsection 2, paragraph  
29 "a", are met, the department shall commence a child  
30 abuse assessment. If any of the criteria for a child  
31 in need of assistance, as defined in section 232.2,  
32 subsection 6, are met, the department shall determine  
33 whether to request a child in need of assistance  
34 petition.>

35 3. Page 7, after line 23 by inserting:

36 <NEW SUBSECTION. 17. *Quality assurance.* The  
37 department shall engage external stakeholders,  
38 including but not limited to representatives of  
39 the county attorneys' offices, service providers,  
40 and parent partners to develop a quality assurance  
41 component to the differential response system.>

42 4. Page 11, line 28, by striking <(6), or (7)> and  
43 inserting <or (6)>

44 5. Page 11, line 35, by striking <(6), or (7)> and  
45 inserting <or (6)>

46 6. By renumbering, redesignating, and correcting  
47 internal references as necessary.

HF590.2027 (2) 85

-1-

ad/nh

1/2





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

---

WILLIAM A. DOTZLER, JR.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

Senate File 452

S-3223

1 Amend the House amendment, S-3218, to Senate File  
2 452, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. By striking page 1, line 5, through page 60,  
5 line 29, and inserting:

6 <DIVISION I

7 STANDING APPROPRIATIONS AND RELATED MATTERS

8 Section 1. BUDGET PROCESS FOR FISCAL YEAR

9 2014-2015.

10 1. For the budget process applicable to the fiscal  
11 year beginning July 1, 2014, on or before October 1,  
12 2013, in lieu of the information specified in section  
13 8.23, subsection 1, unnumbered paragraph 1, and  
14 paragraph "a", all departments and establishments of  
15 the government shall transmit to the director of the  
16 department of management, on blanks to be furnished  
17 by the director, estimates of their expenditure  
18 requirements, including every proposed expenditure, for  
19 the ensuing fiscal year, together with supporting data  
20 and explanations as called for by the director of the  
21 department of management after consultation with the  
22 legislative services agency.

23 2. The estimates of expenditure requirements  
24 shall be in a form specified by the director of  
25 the department of management, and the expenditure  
26 requirements shall include all proposed expenditures  
27 and shall be prioritized by program or the results to  
28 be achieved. The estimates shall be accompanied by  
29 performance measures for evaluating the effectiveness  
30 of the programs or results.

31 Sec. 2. LIMITATIONS OF STANDING APPROPRIATIONS

32 — FY 2013-2014. Notwithstanding the standing  
33 appropriations in the following designated sections for  
34 the fiscal year beginning July 1, 2013, and ending June  
35 30, 2014, the amounts appropriated from the general  
36 fund of the state pursuant to these sections for the  
37 following designated purposes shall not exceed the  
38 following amounts:

39 1. For the work-study program under section 261.85:  
40 ..... \$ 500,000

41 The limitation of the appropriation in this  
42 subsection 1 shall prevail over any provision in 2013  
43 Iowa Acts, House File 604, or any other Act enacted  
44 by the general assembly during the 2013 session, that  
45 limits the standing appropriation for the fiscal year  
46 beginning July 1, 2013, for the work-study program  
47 under section 261.85 to zero.

48 2. For payment for nonpublic school transportation  
49 under section 285.2:

50 ..... \$ 8,560,931

S3218.2205 (3) 85

-1-

tm/jp

1/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 If the total approved claims for reimbursement for  
2 nonpublic school pupil transportation exceed the amount  
3 appropriated in accordance with this subsection, the  
4 department of education shall prorate the amount of  
5 each approved claim.  
6 3. For the enforcement of chapter 453D relating to  
7 tobacco product manufacturers under section 453D.8:  
8 ..... \$ 18,416  
9 Sec. 3. LIMITATIONS OF STANDING APPROPRIATIONS  
10 — FY 2014-2015. Notwithstanding the standing  
11 appropriations in the following designated sections for  
12 the fiscal year beginning July 1, 2014, and ending June  
13 30, 2015, the amounts appropriated from the general  
14 fund of the state pursuant to these sections for the  
15 following designated purposes shall not exceed the  
16 following amounts:  
17 1. For payment for nonpublic school transportation  
18 under section 285.2:  
19 ..... \$ 8,560,931  
20 If the total approved claims for reimbursement for  
21 nonpublic school pupil transportation exceed the amount  
22 appropriated in accordance with this subsection, the  
23 department of education shall prorate the amount of  
24 each approved claim.  
25 2. For the enforcement of chapter 453D relating to  
26 tobacco product manufacturers under section 453D.8:  
27 ..... \$ 9,208  
28 Sec. 4. INSTRUCTIONAL SUPPORT STATE AID —  
29 FY 2013-2014 — FY 2014-2015. In lieu of the  
30 appropriation provided in section 257.20, subsection 2,  
31 the appropriation for the fiscal years beginning July  
32 1, 2013, and July 1, 2014, for paying instructional  
33 support state aid under section 257.20 for fiscal years  
34 2013-2014 and 2014-2015 is zero.  
35 Sec. 5. Section 8.8, Code 2013, is amended to read  
36 as follows:  
37 8.8 Special olympics fund — appropriation.  
38 A special olympics fund is created in the office  
39 of the treasurer of state under the control of the  
40 department of management. There is appropriated  
41 annually from the general fund of the state to the  
42 special olympics fund ~~fifty~~ one hundred thousand  
43 dollars for distribution to one or more organizations  
44 which administer special olympics programs benefiting  
45 the citizens of Iowa with disabilities.  
46 DIVISION II  
47 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS  
48 Sec. 6. INDIVIDUAL DEVELOPMENT ACCOUNT  
49 PROGRAM. There is appropriated from the general fund  
50 of the state to the department of human rights for the

S3218.2205 (3) 85

-2-

tm/jp

2/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 fiscal year beginning July 1, 2013, and ending June 30,  
2 2014, the following amounts, or so much thereof as is  
3 necessary, for the purposes designated:  
4 For deposit in the individual development account  
5 state match fund created in section 541A.7 to support  
6 the operating organization providing individual  
7 development accounts in Iowa:  
8 ..... \$ 250,000  
9 Sec. 7. RENEWABLE ENERGY TRAINING AND  
10 EDUCATION. There is appropriated from the general fund  
11 of the state to the department of workforce development  
12 for the following fiscal years, the following amounts,  
13 or so much thereof as is necessary, to distribute for a  
14 public purpose to an entity with a mission of educating  
15 workers and the public in the various aspects of  
16 renewable energy, its usage, and related occupational  
17 opportunities:  
18 1. FY 2013-2014  
19 ..... \$ 150,000  
20 2. FY 2014-2015  
21 ..... \$ 150,000  
22 Sec. 8. PUBLIC TRANSIT. There is appropriated from  
23 the general fund of the state to the department of  
24 transportation, for the fiscal year beginning July 1,  
25 2012, and ending June 30, 2013, the following amount,  
26 or so much thereof as is necessary, for the purposes  
27 designated:  
28 For distribution to the public transit systems in  
29 the state for vehicle purchasing priorities:  
30 ..... \$ 5,000,000  
31 For purposes of section 8.33, unencumbered or  
32 unobligated moneys from the moneys appropriated in this  
33 section shall not revert at the close of the fiscal  
34 year but shall remain available for expenditure for the  
35 purposes designated until the close of the fiscal year  
36 that ends two years after the end of the fiscal year  
37 for which the appropriation was made.  
38 Sec. 9. AIR TRAFFIC CONTROL TOWER. There is  
39 appropriated from the general fund of the state to  
40 the department of transportation, for the fiscal year  
41 beginning July 1, 2013, and ending June 30, 2014, the  
42 following amount, or so much thereof as is necessary,  
43 for the purposes designated:  
44 For the public purpose of defraying costs associated  
45 with the operation of a contract air traffic control  
46 tower which holds an air agency certificate:  
47 ..... \$ 150,000  
48 Moneys appropriated by this section shall be  
49 distributed on a local match basis to the largest city  
50 in a county with a population of more than 92,000 and

S3218.2205 (3) 85

-3-

tm/jp

3/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 less than 95,000 as of the last preceding certified  
2 federal census.

3 Sec. 10. GOVERNOR AND LIEUTENANT GOVERNOR — FTE  
4 AUTHORIZATION. For purposes of the offices of the  
5 governor and lieutenant governor, there is authorized  
6 an additional 3.00 full-time equivalent positions above  
7 those otherwise authorized pursuant to 2013 Iowa Acts,  
8 House File 603, if enacted.

9 Sec. 11. Section 91C.7, subsection 1, Code 2013, is  
10 amended to read as follows:

11 1. A contractor who is not registered with the  
12 labor commissioner as required by this chapter shall  
13 not be awarded a contract to perform work for the state  
14 ~~or~~, an agency of the state, or a political subdivision  
15 of the state.

16 Sec. 12. Section 99F.11, subsection 3, paragraph  
17 d, subparagraph (3), Code 2013, is amended by striking  
18 the subparagraph and inserting in lieu thereof the  
19 following:

20 (3) One-half of the moneys remaining after the  
21 appropriation in subparagraph (1) is appropriated to  
22 the economic development authority for distribution  
23 equally to the three state tourism regions to  
24 develop public-private partnerships to market local  
25 attractions.

26 Sec. 13. Section 135C.7, Code 2013, is amended by  
27 adding the following new unnumbered paragraph:

28 NEW UNNUMBERED PARAGRAPH. In addition to the  
29 license fees listed in this section, there shall be  
30 an annual assessment assessed to each licensee in an  
31 amount to cover the cost of independent reviewers  
32 provided pursuant to section 135C.42. The department  
33 shall, in consultation with licensees, establish  
34 the assessment amount by rule based on the award of  
35 a request for proposals. The assessment shall be  
36 retained by the department as a repayment receipt as  
37 defined in section 8.2 and used for the purpose of  
38 paying the cost of the independent reviewers.

39 Sec. 14. Section 144.26, Code 2013, is amended by  
40 adding the following new subsection:

41 NEW SUBSECTION. 5. Upon the activation of an  
42 electronic death record system, each person with a  
43 duty related to death certificates shall participate  
44 in the electronic death record system. A person with  
45 a duty related to a death certificate includes but  
46 is not limited to a physician as defined in section  
47 135.1, a physician assistant, an advanced registered  
48 nurse practitioner, a funeral director, and a county  
49 recorder.

50 Sec. 15. Section 216A.3, subsection 3, Code 2013,

S3218.2205 (3) 85

-4-

tm/jp

4/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 is amended to read as follows:

2 3. A majority of the voting members of the board  
3 shall constitute a quorum, and the affirmative vote of  
4 two-thirds of the voting members present is necessary  
5 for any substantive action taken by the board. The  
6 board shall select a chairperson from the voting  
7 members of the board. The board shall meet not less  
8 than four times a year.

9 Sec. 16. Section 231.64, subsection 1, unnumbered  
10 paragraph 1, Code 2013, is amended to read as follows:

11 The aging and disability resource center program  
12 shall be administered by the department consistent  
13 with the federal Act. The department shall designate  
14 ~~participating entities~~ area agencies on aging to  
15 establish a coordinated system for providing all of the  
16 following:

17 Sec. 17. Section 257.11, subsection 6A, paragraph  
18 a, subparagraph (1), as enacted by 2013 Iowa Acts,  
19 House File 472, section 1, is amended to read as  
20 follows: (1) In order to provide additional funding  
21 to increase student opportunities and redirect more  
22 resources to student programming for school districts  
23 that share operational functions, a supplementary  
24 weighting of two hundredths per pupil shall be assigned  
25 to pupils enrolled in a district that shares with a  
26 political subdivision one or more operational functions  
27 of a curriculum director, school administration  
28 manager, ~~mental health therapist,~~ social worker,  
29 school nurse, school counselor, or school librarian,  
30 or one or more operational functions in the areas  
31 of superintendent management, business management,  
32 human resources, transportation, or operation and  
33 maintenance for at least twenty percent of the school  
34 year. The additional weighting shall be assigned  
35 for each discrete operational function shared. The  
36 operational function sharing arrangement does not  
37 need to be a newly implemented sharing arrangement to  
38 receive supplementary weighting under this subsection.  
39 However, to receive supplementary weighting under  
40 this subsection for an ongoing operational function  
41 sharing arrangement that began before July 1, 2014, the  
42 district shall submit information to the department  
43 documenting the cost savings directly attributable  
44 to the shared operational functions and describe  
45 the district's consideration of additional shared  
46 operational functions.

47 Sec. 18. Section 261.93, subsection 2, paragraph  
48 b, subparagraph (4), Code 2013, is amended to read as  
49 follows:

50 (4) Is the child of a fire fighter or police

S3218.2205 (3) 85

-5-

tm/jp

5/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 officer included under section 97B.49B, who was killed  
2 in the line of duty as determined by the Iowa public  
3 employees' retirement system in accordance with section  
4 97B.52, subsection 2.

5 Sec. 19. Section 306D.4, Code 2013, is amended to  
6 read as follows:

7 **306D.4 Scenic highway advertising.**

8 1. The state department of transportation shall  
9 have the authority to adopt rules to control the  
10 erection of new advertising devices on a highway  
11 designated as a scenic highway or scenic byway in order  
12 to comply with federal requirements concerning the  
13 implementation of a scenic byways program.

14 2. Notwithstanding subsection 1, if an advertising  
15 device was lawfully erected along an interstate  
16 highway within the corporate limits of a city prior to  
17 designation of the highway as a scenic byway, and the  
18 advertising device is subsequently displaced due to  
19 the reconstruction, improvement, or relocation of the  
20 highway, the advertising device may be erected at the  
21 same location or at a location as close to the original  
22 location as is practicable that is visible from the  
23 main-traveled way, and shall not be considered a new  
24 advertising device, if all of the following apply:

25 a. The location is in compliance with the  
26 requirements of chapter 306C applicable to interstate  
27 highways that are not part of a designated scenic  
28 byway.

29 b. The location is approved by the governing body  
30 of the city.

31 Sec. 20. Section 692A.113, subsection 3, Code 2013,  
32 is amended by adding the following new paragraph:

33 **NEW PARAGRAPH. e.** Operate, manage, be employed by,  
34 or act as a contractor or volunteer at a business that  
35 operates a motor vehicle primarily marketing, from or  
36 near the motor vehicle, the sale and dispensing of ice  
37 cream or other food products to minors.

38 Sec. 21. 2013 Iowa Acts, Senate File 446, if  
39 enacted, is amended by adding the following section:

40 **SEC. 11A. NEW SECTION. CHRONIC CARE**  
41 **CONSORTIUM.** Of the funds appropriated in this Act from  
42 the general fund of the state to the department of  
43 human services for the medical assistance program for  
44 the fiscal year beginning July 1, 2013, and ending June  
45 30, 2014, \$200,000 shall be used for the Iowa chronic  
46 care consortium pursuant to 2003 Iowa Acts, chapter  
47 112, section 12, as amended by 2003 Iowa Acts, chapter  
48 179, section 166 and 167.

49 Sec. 22. **CONDITIONAL EFFECTIVE DATE.** The section  
50 of this division of this Act amending section 99F.11,

S3218.2205 (3) 85

-6-

tm/jp

6/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 takes effect only if 2013 Iowa Acts, House File 620,  
2 striking section 99F.11, subsection 3, paragraph d,  
3 subparagraph (3), is enacted.

4 Sec. 23. EFFECTIVE UPON ENACTMENT. The following  
5 provision or provisions of this division of this Act,  
6 being deemed of immediate importance, take effect upon  
7 enactment:

8 1. The section of this Act appropriating moneys to  
9 the department of transportation for public transit  
10 purposes.

11 DIVISION III  
12 CORRECTIVE PROVISIONS

13 Sec. 24. Section 2.12, unnumbered paragraph 4, Code  
14 2013, as amended by 2013 Iowa Acts, House File 185,  
15 section 1, is amended to read as follows:

16 There is appropriated out of any funds in the state  
17 treasury not otherwise appropriated such sums as  
18 may be necessary for the fiscal year budgets of the  
19 legislative services agency and the ~~ombudsman~~ office  
20 of ~~ombudsman~~ for salaries, support, maintenance, and  
21 miscellaneous purposes to carry out their statutory  
22 responsibilities. The legislative services agency  
23 and the ~~ombudsman~~ office of ombudsman shall submit  
24 their proposed budgets to the legislative council not  
25 later than September 1 of each year. The legislative  
26 council shall review and approve the proposed budgets  
27 not later than December 1 of each year. The budget  
28 approved by the legislative council for each of its  
29 statutory legislative agencies shall be transmitted by  
30 the legislative council to the department of management  
31 on or before December 1 of each year for the fiscal  
32 year beginning July 1 of the following year. The  
33 department of management shall submit the approved  
34 budgets received from the legislative council to the  
35 governor for inclusion in the governor's proposed  
36 budget for the succeeding fiscal year. The approved  
37 budgets shall also be submitted to the chairpersons of  
38 the committees on appropriations. The committees on  
39 appropriations may allocate from the funds appropriated  
40 by this section the funds contained in the approved  
41 budgets, or such other amounts as specified, pursuant  
42 to a concurrent resolution to be approved by both  
43 houses of the general assembly. The director of  
44 the department of administrative services shall  
45 issue warrants for salaries, support, maintenance,  
46 and miscellaneous purposes upon requisition by the  
47 administrative head of each statutory legislative  
48 agency. If the legislative council elects to change  
49 the approved budget for a legislative agency prior to  
50 July 1, the legislative council shall transmit the

S3218.2205 (3) 85

-7-

tm/jp

7/61





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 amount of the budget revision to the department of  
2 management prior to July 1 of the fiscal year, however,  
3 if the general assembly approved the budget it cannot  
4 be changed except pursuant to a concurrent resolution  
5 approved by the general assembly.

6 Sec. 25. Section 2.42, subsection 14, Code 2013, as  
7 amended by 2013 Iowa Acts, House File 185, section 2,  
8 is amended to read as follows:

9 14. To hear and act upon appeals of aggrieved  
10 employees of the legislative services agency and the  
11 office of the ombudsman pursuant to rules of procedure  
12 established by the council.

13 Sec. 26. Section 2C.3, subsection 2, Code 2013, as  
14 enacted by 2013 Iowa Acts, House File 185, section 4,  
15 is amended to read as follows:

16 2. The ombudsman shall employ and supervise all  
17 employees under the ombudsman's direction in such  
18 positions and at such salaries as shall be authorized  
19 by the legislative council. The legislative council  
20 shall hear and act upon appeals of aggrieved employees  
21 of the office of the ombudsman.

22 Sec. 27. Section 2C.9, subsection 6, Code 2013, as  
23 amended by 2013 Iowa Acts, House File 185, section 10,  
24 is amended to read as follows:

25 6. Establish rules relating to the operation,  
26 organization, and procedure of the office of the  
27 ombudsman. The rules are exempt from chapter 17A and  
28 shall be published in the Iowa administrative code.

29 Sec. 28. Section 2C.11, subsection 1, unnumbered  
30 paragraph 1, Code 2013, as amended by 2013 Iowa Acts,  
31 House File 185, section 12, is amended to read as  
32 follows:

33 An appropriate subject for investigation by the  
34 office of the ombudsman is an administrative action  
35 that might be:

36 Sec. 29. Section 2C.18, Code 2013, as amended by  
37 2013 Iowa Acts, House File 185, section 20, is amended  
38 to read as follows:

39 **2C.18 Report to general assembly.**

40 The ombudsman shall by April 1 of each year submit  
41 an economically designed and reproduced report to  
42 the general assembly and to the governor concerning  
43 the exercise of the ~~ombudsman~~ ombudsman's functions  
44 during the preceding calendar year. In discussing  
45 matters with which the ombudsman has been concerned,  
46 the ombudsman shall not identify specific persons if  
47 to do so would cause needless hardship. If the annual  
48 report criticizes a named agency or official, it shall  
49 also include unedited replies made by the agency or  
50 official to the criticism, unless excused by the agency

S3218.2205 (3) 85

-8-

tm/jp

8/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 or official affected.

2 Sec. 30. Section 8B.21, subsection 5, paragraph e,  
3 if enacted by 2013 Iowa Acts, Senate File 396, section  
4 3, is amended to read as follows:

5 e. The department of public defense shall not be  
6 required to obtain any information technology services  
7 pursuant to this chapter for the department of public  
8 defense that ~~is~~ are provided by the office pursuant  
9 to this chapter without the consent of the adjutant  
10 general.

11 Sec. 31. Section 23A.4, subsection 3, Code 2013, as  
12 enacted by 2013 Iowa Acts, House File 185, section 27,  
13 is amended to read as follows:

14 3. Chapter 17A and this section are the exclusive  
15 remedy for violations of this chapter. However, the  
16 office of the ombudsman may review violations of this  
17 chapter and make recommendations as provided in chapter  
18 2C.

19 Sec. 32. Section 29.1, Code 2013, as amended by  
20 2013 Iowa Acts, House File 307, section 9, is amended  
21 to read as follows:

22 **29.1 Department of public defense.**

23 The department of public defense is composed of the  
24 office of the adjutant general and the military forces  
25 of the state of Iowa. The adjutant general is the  
26 director of the department of public defense and shall  
27 perform all functions, responsibilities, powers, and  
28 duties ~~over~~ concerning the military forces of the state  
29 of Iowa as provided in the laws of the state.

30 Sec. 33. Section 35A.13, subsection 6A, paragraph  
31 b, subparagraph (1), if enacted by 2013 Iowa Acts,  
32 House File 613, section 2, is amended to read as  
33 follows:

34 (1) The commission may provide educational  
35 assistance funds to any child who has lived in the  
36 state of Iowa for two years preceding application for  
37 state educational assistance, and who is the child  
38 of a person who died prior to September 11, 2001,  
39 during active federal military service while serving  
40 in the armed forces or during active federal military  
41 service in the Iowa national guard or other military  
42 component of the United States, to defray the expenses  
43 of tuition, matriculation, laboratory and similar  
44 fees, books and supplies, board, lodging, and any  
45 other reasonably necessary expense for the child or  
46 children incident to attendance in this state at an  
47 educational or training institution of college grade,  
48 or in a business or vocational training school with  
49 standards approved by the department. The commission  
50 shall not expend more than six hundred dollars per year

S3218.2205 (3) 85

-9-

tm/jp

9/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 for educational assistance for any one child under this  
2 paragraph "b".

3 Sec. 34. Section 70A.28, subsection 6, Code 2013,  
4 as amended by 2013 Iowa Acts, House File 185, section  
5 28, is amended to read as follows:

6 6. Subsection 2 may also be enforced by an employee  
7 through an administrative action pursuant to the  
8 requirements of this subsection if the employee is not  
9 a merit system employee or an employee covered by a  
10 collective bargaining agreement. An employee eligible  
11 to pursue an administrative action pursuant to this  
12 subsection who is discharged, suspended, demoted, or  
13 otherwise receives a reduction in pay and who believes  
14 the adverse employment action was taken as a result  
15 of the employee's disclosure of information that  
16 was authorized pursuant to subsection 2, may file an  
17 appeal of the adverse employment action with the public  
18 employment relations board within thirty calendar days  
19 following the later of the effective date of the action  
20 or the date a finding is issued to the employee by the  
21 office of the ombudsman pursuant to section 2C.11A.  
22 The findings issued by the ombudsman may be introduced  
23 as evidence before the public employment relations  
24 board. The employee has the right to a hearing closed  
25 to the public, but may request a public hearing. The  
26 hearing shall otherwise be conducted in accordance with  
27 the rules of the public employment relations board and  
28 the Iowa administrative procedure Act, chapter 17A. If  
29 the public employment relations board finds that the  
30 action taken in regard to the employee was in violation  
31 of subsection 2, the employee may be reinstated without  
32 loss of pay or benefits for the elapsed period, or  
33 the public employment relations board may provide  
34 other appropriate remedies. Decisions by the public  
35 employment relations board constitute final agency  
36 action.

37 Sec. 35. Section 105.10, subsection 3, Code 2013,  
38 as amended by 2013 Iowa Acts, Senate File 427, section  
39 10, is amended to read as follows:

40 3. An individual holding a master mechanical  
41 license shall not be required to get an  
42 HVAC-refrigeration, sheet metal, or hydronic license in  
43 order to design, install, or repair the work defined  
44 in this chapter as mechanical, HVAC-refrigeration,  
45 sheet metal, or hydronic work. An individual holding  
46 a journey ~~journeyperson~~ mechanical license shall  
47 not be required to get an HVAC-refrigeration, sheet  
48 metal, or hydronic license in order to install and  
49 repair the work defined in this chapter as mechanical,  
50 HVAC-refrigeration, sheet metal, or hydronic work. An

S3218.2205 (3) 85

-10-

tm/jp

10/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 individual holding a master or ~~journey~~ journeyperson  
2 mechanical license shall also not be required to obtain  
3 a special, restricted license that is designated as a  
4 sublicense of the mechanical, HVAC-refrigeration, sheet  
5 metal, or hydronic licenses.

6 Sec. 36. Section 105.32, as enacted by 2013 Iowa  
7 Acts, Senate File 427, section 32, Code 2013, is  
8 amended to read as follows:

9 **105.32 Transition provisions.**

10 A licensee whose license expires between June 30,  
11 2014, and July 1, 2017, may voluntarily renew ~~their~~  
12 the license early so they may have the license has an  
13 expiration date of June 30, 2017. This voluntary early  
14 renewal may happen at any time on or after July 1,  
15 2014. The department shall promulgate rules that allow  
16 for this one-time early renewal process, including fees  
17 and continuing education requirements.

18 Sec. 37. Section 126.11, subsection 3, paragraph  
19 b, Code 2013, as amended by 2013 Iowa Acts, House File  
20 417, section 26, is amended to read as follows:

21 *b.* A drug dispensed by filling or refilling a  
22 written, electronic, facsimile, or oral prescription  
23 of a practitioner licensed by law to administer the  
24 drug is exempt from section 126.10, except section  
25 126.10, subsection 1, paragraph "a", section 126.10,  
26 subsection 1, paragraph "i", subparagraphs (2) and (3),  
27 and section 126.10, subsection 1, paragraphs "k" and  
28 "l", and the packaging requirements of section 126.10,  
29 subsection 1, paragraphs "g", "h", and "p", if the  
30 drug bears a label containing the name and address of  
31 the dispenser, the date of the prescription or of its  
32 filling, the name of the prescriber, and, if stated  
33 in the prescription, the name of the patient, and the  
34 directions for use and cautionary statements, if any,  
35 contained in the prescription. This exemption does  
36 not apply to a drug dispensed in the course of the  
37 conduct of the business of dispensing drugs pursuant to  
38 diagnosis by mail, or to a drug dispensed in violation  
39 of paragraph "a" of this subsection.

40 Sec. 38. Section 249A.43, subsection 3, as enacted  
41 by 2013 Iowa Acts, Senate File 357, section 7, is  
42 amended to read as follows:

43 3. An affidavit of service of a notice of entry  
44 of judgment shall be made by first class mail at the  
45 address where the debtor was served with the notice  
46 of overpayment. Service is completed upon mailing as  
47 specified in this ~~paragraph~~ subsection.

48 Sec. 39. Section 252D.17, subsection 1, paragraph  
49 m, as enacted by 2013 Iowa Acts, House File 417,  
50 section 55, Code 2013, is amended to read as follows:

S3218.2205 (3) 85

-11-

tm/jp

11/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 ~~m-~~ 2. The department shall establish criteria and  
2 a phased-in schedule to require, no later than June  
3 30, 2015, payors of income to electronically transmit  
4 the amounts withheld under an income withholding  
5 order. The department shall assist payors of income in  
6 complying with the required electronic transmission,  
7 and shall adopt rules setting forth procedures  
8 for use in electronic transmission of funds, and  
9 exemption from use of electronic transmission taking  
10 into consideration any undue hardship electronic  
11 transmission creates for payors of income.

12 Sec. 40. Section 263B.3, Code 2013, as amended by  
13 2013 Iowa Acts, House File 417, section 63, is amended  
14 to read as follows:

15 **263B.3 Agreements with federal departments.**

16 The state archaeologist is authorized to enter into  
17 agreements and cooperative efforts with the federal  
18 highway administrator, the United States departments  
19 of commerce, interior, agriculture, and defense,  
20 and any other federal or state agencies concerned  
21 with archaeological salvage or the preservation of  
22 antiquities.

23 Sec. 41. Section 321.463, subsection 12A,  
24 paragraphs a and c, as enacted by 2013 Iowa Acts, House  
25 File 14, section 1, are amended to read as follows:

26 a. A person operating a vehicle or combination of  
27 vehicles equipped with a retractable axle may raise the  
28 axle when necessary to negotiate a turn, provided that  
29 the retractable axle is lowered within one thousand  
30 feet following completion of the turn. This paragraph  
31 does not apply to a vehicle or combination of vehicles  
32 operated on an interstate highway, including a ramp to  
33 or from an interstate highway, or on a bridge.

34 c. This subsection does not prohibit the operation  
35 of a vehicle or combination of vehicles equipped with  
36 a retractable axle ~~from operating~~ with the retractable  
37 axle raised when the vehicle or combination of vehicles  
38 is in compliance with the weight limitations of this  
39 section with the retractable axle raised.

40 Sec. 42. Section 321E.9A, subsection 1, Code 2013,  
41 as amended by 2013 Iowa Acts, Senate File 355, section  
42 7, is amended to read as follows:

43 1. Vehicles with indivisible loads having an  
44 overall length not to exceed one hundred twenty feet,  
45 an overall width not to exceed sixteen feet, and a  
46 height not to exceed fifteen feet five inches may  
47 be moved on highways specified by the ~~permitting~~  
48 permit-issuing authority, provided the gross weight on  
49 any one axle shall not exceed the maximum prescribed  
50 in section 321.463 and the total gross weight is not

S3218.2205 (3) 85

-12-

tm/jp

12/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 greater than one hundred fifty-six thousand pounds.

2 Sec. 43. Section 327F.39, subsection 6, paragraph  
3 b, if enacted by 2013 Iowa Acts, Senate File 340,  
4 section 4, is amended to read as follows:

5 b. A violation of subsection 4A or rules adopted  
6 pursuant to subsection 4A by a railroad worker  
7 transportation company or a railroad ~~corporation~~  
8 company is punishable as a schedule "one" penalty under  
9 section 327C.5.

10 Sec. 44. Section 418.5, subsection 1, Code 2013, as  
11 amended by 2013 Iowa Acts, House File 307, section 51,  
12 is amended to read as follows:

13 1. The flood mitigation board is established  
14 consisting of nine voting members and four ex officio,  
15 nonvoting members, and is located for administrative  
16 purposes within the ~~division~~ department. The director  
17 of the department shall provide office space, staff  
18 assistance, and necessary supplies and equipment for  
19 the board. The director shall budget funds to pay the  
20 necessary expenses of the board. In performing its  
21 functions, the board is performing a public function  
22 on behalf of the state and is a public instrumentality  
23 of the state.

24 Sec. 45. Section 426A.11, subsection 1, Code 2013,  
25 as amended by 2013 Iowa Acts, House File 417, section  
26 97, is amended to read as follows:

27 1. The property, not to exceed two thousand seven  
28 hundred seventy-eight dollars in taxable value of any  
29 veteran, as defined in section 35.1, of the World War  
30 I.

31 Sec. 46. Section 437B.2, subsection 8, paragraph a,  
32 subparagraph (2), if enacted by 2013 Iowa Acts, Senate  
33 File 451, section 11, is amended to read as follows:

34 (2) A water treatment plant where the acquisition  
35 cost of all interests acquired exceeds ten million  
36 dollars. For purposes of this ~~paragraph~~ subparagraph,  
37 "*water treatment plant*" means buildings and equipment  
38 used in that portion of the potable water supply system  
39 which in some way alters the physical, chemical, or  
40 bacteriological quality of the water.

41 Sec. 47. Section 437B.2, subsection 10, if enacted  
42 by 2013 Iowa Acts, Senate File 451, section 11, is  
43 amended to read as follows:

44 10. "*Operating property*" means all property owned  
45 by or leased to a water utility, not otherwise taxed  
46 separately, which is necessary to and without which the  
47 ~~company~~ water utility could not perform the activities  
48 of a water utility.

49 Sec. 48. Section 437B.10, subsection 2, paragraph  
50 b, if enacted by 2013 Iowa Acts, Senate File 451,

S3218.2205 (3) 85

-13-

tm/jp

13/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 section 19, is amended to read as follows:  
2     ~~b.~~ Local taxing authority employees are deemed to  
3 be officers and employees of the state for purposes  
4 ~~this of of this~~ subsection.  
5     Sec. 49. Section 455B.275, subsection 3A,  
6 paragraphs a and b, if enacted by 2013 Iowa Acts, House  
7 File 541, section 1, are amended to read as follows:  
8     ~~a.~~ The person reconstructing the dam is only  
9 required to possess the flooding easements or ownership  
10 which ~~were~~ was held prior to the reconstruction as long  
11 as the former normal pool elevation is not exceeded and  
12 the spillway capacity is increased by at least fifty  
13 percent.  
14     ~~b.~~ Flooding easements or ownership ~~are~~ is only  
15 required to the top of the reconstructed spillway  
16 elevation.  
17     Sec. 50. Section 490.863, subsection 3, paragraph  
18 a, as enacted by 2013 Iowa Acts, House File 469,  
19 section 43, is amended to read as follows:  
20     ~~a.~~ "Holder" means and "held by" refers to shares  
21 held by both a record shareholder, as defined in  
22 section 490.1301, subsection 7, and a beneficial  
23 shareholder, as defined in section 490.1301, subsection  
24 2.  
25     Sec. 51. Section 490.1302, subsection 2, paragraph  
26 d, Code 2013, as amended by 2013 Iowa Acts, House File  
27 469, section 53, is amended to read as follows:  
28     ~~d.~~ Paragraph "a" shall not be applicable and  
29 appraisal rights shall be available pursuant to  
30 subsection 1 for the holders of any class or series  
31 of shares where the corporate action is an interested  
32 transaction.  
33     Sec. 52. Section 522.6, subsection 2, if enacted by  
34 2013 Iowa Acts, Senate File 189, section 6, is amended  
35 to read as follows:  
36     2. If an insurer qualifies for exemption from the  
37 requirements of this chapter pursuant to paragraph "a"  
38 of subsection 1, but the insurance group of which the  
39 insurer is a member does not qualify for exemption  
40 pursuant to paragraph "b" of subsection 1, then the  
41 own risk and solvency assessment summary report that  
42 is required pursuant to section ~~521H.5~~ 522.5 shall  
43 include information concerning every insurer in the  
44 insurance group. This requirement may be satisfied by  
45 the submission of more than one summary report for any  
46 combination of insurers in the insurance group provided  
47 that the combination of reports submitted includes  
48 every insurer in the insurance group.  
49     Sec. 53. Section 533.405, subsection 4A, paragraph  
50 b, subparagraphs (1) and (2), as enacted by 2013 Iowa

S3218.2205 (3) 85

-14-

tm/jp

14/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 Acts, Senate File 183, section 8, are amended to read  
2 as follows:

3 (1) State credit unions with assets in excess of \$5  
4 five million dollars as of the month ending immediately  
5 prior to the date of the conclusion of the vote by the  
6 membership approving the dissolution shall publish  
7 the notice once a week for two successive weeks in a  
8 newspaper of general circulation in each county in  
9 which the state credit union maintains an office or  
10 branch for the transaction of business.

11 (2) State credit unions with assets of \$5 five  
12 million dollars or less as of the month ending  
13 immediately prior to the date of the conclusion of  
14 the vote by the membership approving the dissolution  
15 shall publish the notice once in a newspaper of general  
16 circulation in each county in which the state credit  
17 union maintains an office or branch.

18 Sec. 54. Section 543C.2, subsection 1, paragraph j,  
19 if enacted by 2013 Iowa Acts, House File 556, section  
20 167, is amended to read as follows:

21 j. The subdivider, if a corporation, must register  
22 to do business in the state of Iowa as a foreign  
23 corporation with the secretary of state and furnish a  
24 copy of the certificate of authority to do business  
25 in the state of Iowa. If not a corporation, the  
26 subdivider must comply with the provisions of chapter  
27 547, by filing a proper trade name with the Polk  
28 county recorder. The provisions of this ~~subsection~~  
29 paragraph shall also apply to any person, partnership,  
30 firm, company, corporation, or association, other than  
31 the subdivider, which is engaged by or through the  
32 subdivider for the purpose of advertising or selling  
33 the land involved in the filing.

34 Sec. 55. Section 556.2, subsection 5, paragraph a,  
35 unnumbered paragraph 1, as enacted by 2013 Iowa Acts,  
36 House File 417, section 174, is amended to read as  
37 follows:

38 A banking organization or financial organization  
39 shall send to the owner of each account, to which none  
40 of the actions specified in subsection 2 1, paragraphs  
41 "a" through "e" or subsection 2, paragraphs "a" through  
42 "e" have occurred during the preceding three calendar  
43 years, a notice by certified mail stating in substance  
44 the following:

45 Sec. 56. Section 716.7, subsection 1, as amended  
46 by 2013 Iowa Acts, House File 556, section 234, if  
47 enacted, is amended to read as follows:

48 1. For purposes of this section:

49 a. "Property" shall include any land, dwelling,  
50 building, conveyance, vehicle, or other temporary or

S3218.2205 (3) 85

-15-

tm/jp

15/61





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 permanent structure whether publicly or privately  
2 owned.  
3 b. "Public utility" is a public utility as defined  
4 in section 476.1 or an electric transmission line as  
5 provided in chapter 478.  
6 ~~b. c.~~ "Public utility property" means any land,  
7 dwelling, building, conveyance, vehicle, or other  
8 temporary or permanent structure owned, leased, or  
9 operated by a public utility and that is completely  
10 enclosed by a physical barrier of any kind. ~~For~~  
11 ~~the purposes of this section, a "public utility" is~~  
12 ~~a public utility as defined in section 476.1 or an~~  
13 ~~electric transmission line as provided in chapter 478.~~  
14 ~~e. d.~~ "Railway corporation" means a corporation,  
15 company, or person owning, leasing, or operating any  
16 railroad in whole or in part within this state.  
17 ~~d. e.~~ "Railway property" means all tangible real  
18 and personal property owned, leased, or operated  
19 by a railway corporation with the exception of any  
20 administrative building or offices of the railway  
21 corporation.  
22 Sec. 57. Section 724.2, subsection 1, paragraph i,  
23 if enacted by 2013 Iowa Acts, House File 556, section  
24 206, is amended to read as follows:  
25 i. A nonresident who possesses an offensive weapon  
26 which is a curio or relic firearm under the federal  
27 Firearms Act, 18 U.S.C. ch. 44, solely for use in  
28 official functions in this state of a historical  
29 reenactment organization of which the person is a  
30 member, if the offensive weapon is legally possessed  
31 by the person in the person's state of residence and  
32 the offensive weapon is at all times while in this  
33 state rendered incapable of firing live ammunition. A  
34 nonresident who possesses an offensive weapon under  
35 this subsection paragraph while in this state shall  
36 not have in the person's possession live ammunition.  
37 The offensive weapon may, however, be adapted for the  
38 firing of blank ammunition.  
39 Sec. 58. 2013 Iowa Acts, House File 556, section  
40 257, subsection 3, if enacted, is amended by adding the  
41 following new subsection:  
42 NEW SUBSECTION. 12. The Code editor is directed  
43 to change any terminology that references a web site,  
44 websites, the internet, and internet site, or internet  
45 sites in any Act enacted during the 2013 regular  
46 session of the Eighty-fifth General Assembly in the  
47 same manner as that terminology is changed in this  
48 section of this Act.  
49 Sec. 59. 2013 Iowa Acts, House File 607, section  
50 29, subsection 3, if enacted, is amended to read as

S3218.2205 (3) 85

-16-

tm/jp

16/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 follows:

2 3. The department of agriculture and land  
3 stewardship or the office of attorney general acting  
4 on behalf of the agricultural development authority in  
5 an administrative or judicial proceeding shall not be  
6 affected as a result of this Act. Any ~~statue~~ statute  
7 of limitation shall apply to the parties as if this Act  
8 had not been enacted.

9 Sec. 60. 2013 Iowa Acts, House File 607, section  
10 34, if enacted, is amended to read as follows:

11 SEC. 34. ADMINISTRATION OF ONGOING PROGRAMS. The  
12 Iowa finance authority shall complete the  
13 administration of ongoing programs of the agricultural  
14 development authority as provided in chapter 175, to  
15 the extent that the administration of those programs  
16 ~~are~~ is in progress on the effective date of this  
17 division of this Act. The Iowa finance authority shall  
18 assume all rights and obligations of the agricultural  
19 development authority to the extent that moneys have  
20 been committed, obligations incurred, or rights accrued  
21 prior to the effective date of this division of this  
22 Act. Moneys owing due to the rights and obligations of  
23 the agricultural development authority and assumed by  
24 the Iowa finance authority shall be paid as directed by  
25 the Iowa finance authority.

26 Sec. 61. 2013 Iowa Acts, House File 607, section  
27 35, subsection 1, if enacted, is amended to read as  
28 follows:

29 1. The assets and liabilities of the former  
30 Iowa rural rehabilitation corporation assumed by  
31 the agricultural development authority pursuant to  
32 section 175.28 shall be transferred to the Iowa finance  
33 authority on the effective date of this division of  
34 this Act. On such effective date, the Iowa finance  
35 authority shall be the successor in interest to  
36 the agreements in effect between the United States  
37 government and the agricultural development authority  
38 on behalf of this state.

39 Sec. 62. 2013 Iowa Acts, Senate File 427, section  
40 35, is amended to read as follows:

41 SEC. 35 ADMINISTRATIVE RULES. The department  
42 of public health shall adopt all initial rules,  
43 and amendments to existing rules, necessary for the  
44 implementation of this Act.

45 Sec. 63. REPEAL. 2013 Iowa Acts, House File 417,  
46 section 34, and 2013 Iowa Acts, House File 556, section  
47 27, if enacted, are repealed.

48 Sec. 64. REPEAL. 2013 Iowa Acts, House File 469,  
49 sections 83 and 84, are repealed.

50 Sec. 65. CONTINGENT REPEAL. If 2013 Iowa Acts,

S3218.2205 (3) 85

-17-

tm/jp

17/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 House File 575, section 12, is enacted, 2013 Iowa Acts,  
2 House File 417, section 93, is repealed.

3 DIVISION IV

4 PUBLIC RETIREMENT SYSTEMS

5 Sec. 66. JUDICIAL RETIREMENT FUND. There is  
6 appropriated from the general fund of the state to the  
7 judicial retirement fund described in section 602.9104  
8 for the following fiscal years, the following amounts:

9 1. FY 2013-2014

10 ..... \$ 5,000,000

11 2. FY 2014-2015

12 ..... \$ 5,000,000

13 Sec. 67. FIRE AND POLICE RETIREMENT FUND. There  
14 is appropriated from the general fund of the state to  
15 the fire and police retirement fund created in section  
16 411.8 for the following fiscal years, the following  
17 amounts:

18 1. FY 2012-2013

19 ..... \$ 9,600,000

20 2. FY 2013-2014

21 ..... \$ 5,000,000

22 3. FY 2014-2015

23 ..... \$ 5,000,000

24 Sec. 68. Section 97A.11A, subsection 1, Code 2013,  
25 is amended to read as follows:

26 1. Beginning with the fiscal year commencing July  
27 1, ~~2013~~ 2012, and ending June 30 of the fiscal year  
28 during which the board determines that the system's  
29 funded ratio of assets to liabilities is at least  
30 eighty-five percent, there is appropriated from the  
31 general fund of the state for each fiscal year to the  
32 retirement fund described in section 97A.8, an amount  
33 equal to five million dollars.

34 Sec. 69. EFFECTIVE UPON ENACTMENT. The section of  
35 this division of this Act amending section 97A.11A,  
36 being deemed of immediate importance, takes effect upon  
37 enactment.

38 Sec. 70. EFFECTIVE UPON ENACTMENT. The section  
39 of this division of this Act appropriating moneys to  
40 the fire and police retirement fund, being deemed of  
41 immediate importance, takes effect upon enactment.

42 DIVISION V

43 COUNTY PROJECTS

44 Sec. 71. Section 331.441, subsection 2, paragraph  
45 b, subparagraph (5), unnumbered paragraph 1, Code 2013,  
46 is amended to read as follows:

47 Public buildings, including the site or grounds  
48 of, and the erection, equipment, remodeling, or  
49 reconstruction of, and additions or extensions to the  
50 buildings, and including the provision and maintenance

S3218.2205 (3) 85

-18-

tm/jp

18/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 of juvenile detention or shelter care facilities, when  
2 the ~~cost~~ principal amount of the bonds does not exceed  
3 the following limits:

4 Sec. 72. Section 331.441, subsection 2, paragraph  
5 c, subparagraph (9), Code 2013, is amended to read as  
6 follows:

7 (9) Public buildings, including the site or  
8 grounds of, the erection, equipment, remodeling, or  
9 reconstruction of, and additions or extensions to the  
10 buildings, and including the provision and maintenance  
11 of juvenile detention or shelter care facilities,  
12 when the ~~cost~~ principal amount of the bonds exceeds  
13 the limits stated in subsection 2, paragraph "b",  
14 subparagraph (5).

15 DIVISION VI  
16 SUPPLEMENTARY WEIGHTING FOR LIMITED ENGLISH  
17 PROFICIENT STUDENTS

18 Sec. 73. Section 257.31, subsection 5, paragraph j,  
19 Code 2013, is amended to read as follows:

20 j. Unusual need to continue providing a program or  
21 other special assistance to non-English speaking pupils  
22 after the expiration of the ~~four-year~~ seven-year period  
23 specified in section 280.4.

24 Sec. 74. Section 280.4, subsection 3, Code 2013, is  
25 amended to read as follows:

26 3. a. In order to provide funds for the excess  
27 costs of instruction of limited English proficient  
28 students specified in paragraph "b" above the costs  
29 of instruction of pupils in a regular curriculum,  
30 students identified as limited English proficient shall  
31 be assigned an additional weighting of twenty-two  
32 hundredths, and that weighting shall be included  
33 in the weighted enrollment of the school district  
34 of residence for a period not exceeding ~~four~~ seven  
35 years. However, the school budget review committee may  
36 grant supplemental aid or modified allowable growth  
37 to a school district to continue funding a program  
38 for students after the expiration of the ~~four-year~~  
39 seven-year period.

40 b. For students first determined to be limited  
41 English proficient for a budget year beginning on or  
42 after July 1, 2009, the additional weighting provided  
43 under paragraph "a" shall be included in the weighted  
44 enrollment of the school district of residence for a  
45 period not exceeding seven years.

46 Sec. 75. LIMITED ENGLISH PROFICIENT WEIGHTING  
47 ADJUSTMENT. For the fiscal year beginning July  
48 1, 2013, and ending June 30, 2014, there shall be  
49 allocated to the department of education from the  
50 amount appropriated pursuant to section 257.16,

S3218.2205 (3) 85

-19-

tm/jp

19/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 subsection 1, based upon the increase from four to  
2 seven years in the availability of supplementary  
3 weighting for instruction of limited English proficient  
4 students pursuant to section 280.4, an amount to  
5 be determined by the department of management in  
6 consultation with the legislative services agency. The  
7 funds shall be used to adjust the weighted enrollment  
8 of a school district with students identified as  
9 limited English proficient on a prorated basis.

10 Sec. 76. EFFECTIVE UPON ENACTMENT. This division  
11 of this Act, being deemed of immediate importance,  
12 takes effect upon enactment.

13 DIVISION VII

14 NEWBORN CRITICAL CONGENITAL HEART DISEASE SCREENING

15 Sec. 77. NEW SECTION. 136A.5A Newborn critical  
16 congenital heart disease screening.

17 1. Each newborn born in this state shall receive  
18 a critical congenital heart disease screening by  
19 pulse oximetry or other means as determined by rule,  
20 in conjunction with the metabolic screening required  
21 pursuant to section 136A.5.

22 2. An attending health care provider shall ensure  
23 that every newborn under the provider's care receives  
24 the critical congenital heart disease screening.

25 3. This section does not apply if a parent objects  
26 to the screening. If a parent objects to the screening  
27 of a newborn, the attending health care provider shall  
28 document the refusal in the newborn's medical record  
29 and shall obtain a written refusal from the parent and  
30 report the refusal to the department.

31 4. Notwithstanding any provision to the contrary,  
32 the results of each newborn's critical congenital  
33 heart disease screening shall only be reported in a  
34 manner consistent with the reporting of the results  
35 of metabolic screenings pursuant to section 136A.5  
36 if funding is available for implementation of the  
37 reporting requirement.

38 5. This section shall be administered in accordance  
39 with rules adopted pursuant to section 136A.8.

40 Sec. 78. NEWBORN CRITICAL CONGENITAL HEART DISEASE  
41 SCREENING. Notwithstanding any provision to the  
42 contrary relating to the newborn screening policy  
43 pursuant to 641 IAC 4.3(1), critical congenital heart  
44 disease screening shall be included in the state's  
45 newborn screening panel as included in the recommended  
46 uniform screening panel as approved by the United  
47 States secretary of health and human services. The  
48 center for congenital and inherited disorders advisory  
49 committee shall make recommendations regarding  
50 implementation of the screening and the center for

S3218.2205 (3) 85

-20-

tm/jp

20/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 congenital and inherited disorders shall adopt rules  
2 as necessary to implement the screening. However,  
3 reporting of the results of each newborn's critical  
4 congenital heart disease screening shall not be  
5 required unless funding is available for implementation  
6 of the reporting requirement.

7 DIVISION VIII

8 RIGHT TO CURE — CLOSED CREDIT CARD ACCOUNTS

9 Sec. 79. Section 537.5110, subsection 4, paragraph  
10 c, Code 2013, is amended to read as follows:

11 c. Until the expiration of the minimum applicable  
12 period after the notice is given, the consumer may  
13 cure the default by tendering either the amount of all  
14 unpaid installments due at the time of the tender,  
15 without acceleration, plus any unpaid delinquency or  
16 deferral charges, or the amount stated in the notice  
17 of right to cure, whichever is less, or by tendering  
18 any performance necessary to cure any default other  
19 than nonpayment of amounts due, which is described  
20 in the notice of right to cure. The act of curing a  
21 default restores to the consumer the consumer's rights  
22 under the agreement as though no default had occurred,  
23 except as provided in subsection 3. However, where the  
24 obligation in default is a credit card account that  
25 has been closed, the act of curing a default does not  
26 restore to the consumer the consumer's rights under the  
27 agreement as though no default had occurred.

28 Sec. 80. Section 537.5111, Code 2013, is amended by  
29 adding the following new subsection:

30 NEW SUBSECTION. 4A. If the consumer credit  
31 transaction is a credit card account that has been  
32 closed, the notice shall conform to the requirements  
33 of subsection 2, and a notice in substantially the  
34 form specified in that subsection complies with this  
35 subsection except that the statement relating to  
36 continuation of the contract upon correction of the  
37 default as though the consumer did not default shall  
38 not be contained in the notice.

39 DIVISION IX

40 PUBLIC SAFETY TRAINING AND FACILITIES TASK FORCE

41 Sec. 81. PUBLIC SAFETY TRAINING AND FACILITIES TASK  
42 FORCE.

43 1. A public safety training and facilities task  
44 force is established. The department of public safety  
45 shall provide administrative support for the task  
46 force.

47 2. The task force shall consist of the following  
48 members:

49 a. One member appointed by the Iowa state sheriffs'  
50 and deputies' association.

S3218.2205 (3) 85

-21-

tm/jp

21/61



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**May 07, 2013**

1     b. One member appointed by the Iowa police chiefs  
2 association.  
3     c. One member who is a fire fighter appointed by  
4 the Iowa professional fire fighters association.  
5     d. One member who is the administrator of the Iowa  
6 fire service training bureau or the administrator's  
7 designee.  
8     e. One member who is a representative of the fire  
9 service who is not a fire chief appointed by the Iowa  
10 firefighters association.  
11    f. The director of the Iowa law enforcement academy  
12 or the director's designee.  
13    g. The commissioner of public safety or the  
14 training coordinator of the department of public  
15 safety, as designated by the commissioner.  
16    h. The state fire marshal or the state fire  
17 marshal's designee.  
18    i. One member appointed by the Iowa state police  
19 association.  
20    j. One member who is a fire chief appointed by the  
21 Iowa fire chiefs association.  
22    k. One member appointed by the Iowa emergency  
23 medical services association.  
24    l. One member appointed by the Iowa emergency  
25 management association.  
26    m. One member who is a fire chief appointed by the  
27 Iowa association of professional fire chiefs.  
28    n. One member who is a member of the office  
29 of motor vehicle enforcement of the department of  
30 transportation appointed by the director of the  
31 department of transportation.  
32    o. Four members of the general assembly serving  
33 as ex officio, nonvoting members, one representative  
34 to be appointed by the speaker of the house of  
35 representatives, one representative to be appointed by  
36 the minority leader of the house of representatives,  
37 one senator to be appointed by the majority leader of  
38 the senate, and one senator to be appointed by the  
39 minority leader of the senate.  
40    3. The voting members of the task force shall  
41 select one chairperson and one vice chairperson. The  
42 vice chairperson shall preside in the absence of  
43 the chairperson. Section 69.16A shall apply to the  
44 appointed members of the task force.  
45    4. It is the intent of the general assembly in  
46 establishing this task force that the task force  
47 develop a coordinated plan amongst all public safety  
48 disciplines that would oversee the construction of a  
49 consolidated fire and police public safety training  
50 facility, provide for the establishment of a governance

S3218.2205 (3) 85

-22-

tm/jp

22/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 board for the public safety disciplines and the  
2 consolidated facility, and to establish a consistent  
3 and steady funding mechanism to defray public safety  
4 training costs on an ongoing basis.  
5 5. The task force shall seek and consider input  
6 from all interested stakeholders and members of the  
7 public and shall include an emphasis on receiving input  
8 from fire service, law enforcement, and emergency  
9 medical services personnel. The task force shall  
10 consider and develop strategies relating to public  
11 safety training facility governance with the goal of  
12 all public safety disciplines being represented. Each  
13 public safety discipline shall advise the task force by  
14 developing individual training policies as determined  
15 by the discipline's governing bodies. The task force  
16 shall also develop a proposal for a joint public safety  
17 training facility, a budget for construction and future  
18 operation of the facility, financing options, including  
19 possible public-private partnerships, for construction  
20 and operation of the facility, and potential locations  
21 for the facility that are centrally located in this  
22 state.  
23 6. a. The task force shall provide interim reports  
24 to the general assembly by December 31 of each year  
25 concerning the activities of the task force and shall  
26 submit its final report, including its findings and  
27 recommendations, to the general assembly by December  
28 31, 2016.  
29 b. The final report shall include but not be  
30 limited to recommendations concerning the following:  
31 (1) Consolidation of public safety governance  
32 within a single board and the membership of the board.  
33 Board duties would include overseeing the construction  
34 and maintenance of a consolidated fire and police  
35 public safety training facility.  
36 (2) Development of a consolidated fire and police  
37 public safety training facility, including possible  
38 locations, building recommendations, and financing  
39 options.  
40 (3) Any other recommendations relating to public  
41 safety training and facilities requirements.  
42 Sec. 82. PUBLIC SAFETY TRAINING AND FACILITIES TASK  
43 FORCE — ADMINISTRATIVE SUPPORT. There is appropriated  
44 from the general fund of the state to the department  
45 of public safety for the fiscal year beginning July 1,  
46 2012, and ending June 30, 2013, the following amount,  
47 or so much thereof as is necessary, to be used for the  
48 purposes designated:  
49 For providing administrative support for the public  
50 safety training and facilities task force as enacted

S3218.2205 (3) 85

-23-

tm/jp

23/61





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 in this Act:  
2 ..... \$ 50,000  
3 Notwithstanding section 8.33, moneys appropriated in  
4 this section that remain unencumbered or unobligated  
5 at the close of the fiscal year shall not revert but  
6 shall remain available for expenditure for the purposes  
7 designated until the close of the fiscal year that  
8 begins July 1, 2016.  
9 Sec. 83. EFFECTIVE UPON ENACTMENT. This division  
10 of this Act, being deemed of immediate importance,  
11 takes effect upon enactment.  
12 DIVISION X  
13 CIGARETTE FIRE SAFETY STANDARD FUND  
14 Sec. 84. Section 101B.5, subsection 5, Code 2013,  
15 is amended to read as follows:  
16 5. For each cigarette listed in a certification, a  
17 manufacturer shall pay a fee of one hundred dollars to  
18 the department. The department shall deposit all fees  
19 received pursuant to this subsection with the treasurer  
20 of state for credit to the general fund of the state.  
21 Sec. 85. Section 101B.8, Code 2013, is amended by  
22 adding the following new subsection:  
23 NEW SUBSECTION. 10. The department shall deposit  
24 any moneys received from civil penalties assessed  
25 pursuant to this section with the treasurer of state  
26 for credit to the general fund of the state.  
27 Sec. 86. Section 101B.9, Code 2013, is amended to  
28 read as follows:  
29 **101B.9 Cigarette fire safety standard fund.**  
30 A cigarette fire safety standard fund is created as  
31 a special fund in the state treasury under the control  
32 of the department of public safety. The fund shall  
33 consist of all moneys recovered from the assessment  
34 of civil penalties or certification fees under this  
35 chapter. ~~The moneys in the fund shall, in~~ In addition  
36 to any moneys made available for such purpose, ~~be~~  
37 ~~available, subject to appropriation, moneys in the fund~~  
38 are appropriated to the department of public safety for  
39 the purpose of fire safety and prevention programs,  
40 including for entry level fire fighter training,  
41 equipment, and operations.  
42 Sec. 87. REPEAL. Section 101B.9, Code 2013, is  
43 repealed.  
44 Sec. 88. CIGARETTE FIRE SAFETY STANDARD FUND.  
45 Notwithstanding section 8.33, or any other provision of  
46 law to the contrary, the unencumbered or unobligated  
47 balance of the cigarette fire safety standard fund  
48 at the close of the fiscal year beginning July 1,  
49 2012, shall not revert but shall remain available for  
50 expenditure for purposes of the regional emergency

S3218.2205 (3) 85

-24-

tm/jp

24/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 response training centers, on an equal basis, until the  
2 close of the succeeding fiscal year.

3 Sec. 89. EFFECTIVE UPON ENACTMENT. Except for  
4 the section of this division of this Act repealing  
5 section 101B.9 which shall take effect July 1, 2013,  
6 this division of this Act, being deemed of immediate  
7 importance, takes effect upon enactment.

8 Sec. 90. RETROACTIVE APPLICABILITY. The following  
9 provision or provisions of this division of this Act  
10 apply retroactively to July 1, 2007:

11 1. The section amending section 101B.9.

12 DIVISION XI

13 IGNITION INTERLOCK

14 Sec. 91. Section 321J.20, subsections 1 and 2, Code  
15 2013, are amended to read as follows:

16 1. a. The department may, on application, issue  
17 a temporary restricted license to a person whose  
18 noncommercial driver's license is revoked under this  
19 chapter allowing the person to drive to and from the  
20 person's home and specified places at specified times  
21 which can be verified by the department and which are  
22 required by the any of the following:

23 (1) The person's full-time or part-time  
24 employment.

25 (2) The person's continuing health care or the  
26 continuing health care of another who is dependent upon  
27 the person.

28 (3) The person's continuing education while  
29 enrolled in an educational institution on a part-time  
30 or full-time basis and while pursuing a course of study  
31 leading to a diploma, degree, or other certification of  
32 successful educational completion.

33 (4) The person's substance abuse treatment, and to  
34 attend groups whose purpose is to eliminate or reduce  
35 alcohol or other drug use.

36 (5) The person's court-ordered community service  
37 responsibilities, and appointments.

38 (6) Appointments with the person's parole or  
39 probation officer.

40 (7) Transport of the person's dependent minor child  
41 to and from school when public school transportation is  
42 not available for the child.

43 (8) Transport of the person's dependent minor child  
44 to and from child care when necessary for the person's  
45 full-time or part-time employment.

46 b. The department may also issue a temporary  
47 restricted license under this subsection that allows  
48 the person to drive for work purposes within the scope  
49 of the person's full-time or part-time employment.  
50 Any vehicle operated within the scope of the person's

S3218.2205 (3) 85

-25-

tm/jp

25/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 full-time or part-time employment must be equipped  
2 at all times with an ignition interlock device of a  
3 type approved by the commissioner of public safety,  
4 notwithstanding any provision of section 321J.4,  
5 321J.9, or 321J.12 to the contrary.  
6 c. The department may issue a temporary restricted  
7 license under this subsection only if the person's  
8 driver's license has not been revoked previously under  
9 section 321J.4, 321J.9, or 321J.12 and if any of the  
10 following apply:  
11 (1) The person's noncommercial driver's license is  
12 revoked under section 321J.4 and the minimum period of  
13 ineligibility for issuance of a temporary restricted  
14 license has expired. This subsection shall not apply  
15 to a revocation ordered under section 321J.4 resulting  
16 from a plea or verdict of guilty of a violation of  
17 section 321J.2 that involved a death.  
18 (2) The person's noncommercial driver's license is  
19 revoked under section 321J.9 and the person has entered  
20 a plea of guilty on a charge of a violation of section  
21 321J.2 which arose from the same set of circumstances  
22 which resulted in the person's driver's license  
23 revocation under section 321J.9 and the guilty plea  
24 is not withdrawn at the time of or after application  
25 for the temporary restricted license, and the minimum  
26 period of ineligibility for issuance of a temporary  
27 restricted license has expired.  
28 (3) The person's noncommercial driver's license is  
29 revoked under section 321J.12, and the minimum period  
30 of ineligibility for issuance of a temporary restricted  
31 license has expired.  
32 ~~b.~~ d. A temporary restricted license may  
33 be issued under this subsection if the person's  
34 noncommercial driver's license is revoked for two years  
35 under section 321J.4, subsection 2, or section 321J.9,  
36 subsection 1, paragraph "b", and the first three  
37 hundred sixty-five days of the revocation have expired.  
38 ~~e.~~ e. This subsection does not apply to a person  
39 whose license was revoked under section 321J.2A or  
40 section 321J.4, subsection 4 or 6, or to a person whose  
41 license is suspended or revoked for another reason.  
42 ~~d.~~ f. Following the applicable minimum period  
43 of ineligibility, a temporary restricted license  
44 under this subsection shall not be issued until the  
45 applicant installs an ignition interlock device of a  
46 type approved by the commissioner of public safety on  
47 all motor vehicles owned or operated by the applicant  
48 in accordance with section 321J.2, 321J.4, 321J.9,  
49 or 321J.12, or this subsection. Installation of an  
50 ignition interlock device under this subsection shall

S3218.2205 (3) 85

-26-

tm/jp

26/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 be required for the period of time for which the  
2 temporary restricted license is issued and for such  
3 additional period of time following reinstatement as is  
4 required under section 321J.17, subsection 3.  
5 2. a. Notwithstanding section 321.560, the  
6 department may, on application, and upon the expiration  
7 of the minimum period of ineligibility for a temporary  
8 restricted license provided for under section  
9 321.560, 321J.4, 321J.9, or 321J.12, issue a temporary  
10 restricted license to a person whose noncommercial  
11 driver's license has either been revoked under this  
12 chapter, or revoked or suspended under chapter 321  
13 solely for violations of this chapter, or who has been  
14 determined to be a habitual offender under chapter  
15 321 based solely on violations of this chapter or on  
16 violations listed in section 321.560, subsection 1,  
17 paragraph "b", and who is not eligible for a temporary  
18 restricted license under subsection 1. However, the  
19 department may not issue a temporary restricted license  
20 under this subsection for a violation of section  
21 321J.2A or to a person under the age of twenty-one  
22 whose license is revoked under section 321J.4, 321J.9,  
23 or 321J.12. A  
24 (1) If the person has no more than one previous  
25 revocation under this chapter, a temporary restricted  
26 license issued under this subsection may allow the  
27 person to drive to and from the person's home and  
28 specified places at specified times which can be  
29 verified by the department and which are required by  
30 any of the following:  
31 (a) The person's full-time or part-time employment.  
32 (b) The person's continuing health care or the  
33 continuing health care of another who is dependent upon  
34 the person.  
35 (c) The person's continuing education while  
36 enrolled in an educational institution on a part-time  
37 or full-time basis and while pursuing a course of study  
38 leading to a diploma, degree, or other certification of  
39 successful educational completion.  
40 (d) The person's substance abuse treatment and to  
41 attend groups whose purpose is to eliminate or reduce  
42 alcohol or other drug use.  
43 (e) The person's court-ordered community service  
44 responsibilities.  
45 (f) Appointments with the person's parole or  
46 probation officer.  
47 (g) Transport of the person's dependent minor child  
48 to and from child care when necessary for the person's  
49 full-time or part-time employment.  
50 (2) If the person has more than one previous

S3218.2205 (3) 85

-27-

tm/jp

27/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 revocation under this chapter, a temporary restricted  
2 license issued under this subsection may allow the  
3 person to drive to and from the person's home and  
4 specified places at specified times which can be  
5 verified by the department and which are required by  
6 the any of the following:

7 (a) The person's full-time or part-time  
8 employment.

9 (b) The person's continuing education while  
10 enrolled in an educational institution on a part-time  
11 or full-time basis and while pursuing a course of study  
12 leading to a diploma, degree, or other certification of  
13 successful educational completion, or.

14 (c) The person's substance abuse treatment and to  
15 attend groups whose purpose is to eliminate or reduce  
16 alcohol or other drug use.

17 DIVISION XII

18 NOTARY PUBLIC

19 Sec. 92. Section 9B.15, subsection 3, unnumbered  
20 paragraph 1, Code 2013, is amended to read as follows:

21 A certificate of a notarial act is sufficient if it  
22 meets the requirements of subsections 1 and 2 and all  
23 any of the following apply:

24 Sec. 93. Section 9B.17, subsection 1, paragraph a,  
25 Code 2013, is amended to read as follows:

26 a. Include the notary public's name, the words  
27 "Notarial Seal" and "Iowa", the words "Commission  
28 Number" followed by a number assigned to the notary  
29 public by the secretary of state, the words "My  
30 Commission Expires" followed either by the date that  
31 the notary public's term would ordinarily expire as  
32 provided in section 9B.21 or a blank line on which the  
33 notary public shall indicate the date of expiration,  
34 if any, of the notary public's commission, as required  
35 by and in satisfaction of section 9B.15, subsection 1,  
36 paragraph "e", and other information required by the  
37 secretary of state.

38 Sec. 94. Section 321I.31, subsection 3, Code 2013,  
39 is amended to read as follows:

40 3. An owner of an all-terrain vehicle shall apply  
41 to the county recorder for issuance of a certificate  
42 of title within thirty days after acquisition.  
43 The application shall be on forms the department  
44 prescribes and accompanied by the required fee. The  
45 application shall be signed and sworn to before a  
46 notary public notarial officer as provided in chapter  
47 9B or other person who administers oaths, or shall  
48 include a certification signed in writing containing  
49 substantially the representation that statements made  
50 are true and correct to the best of the applicant's

S3218.2205 (3) 85

-28-

tm/jp

28/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 knowledge, information, and belief, under penalty of  
2 perjury. The application shall contain the date of  
3 sale and gross price of the all-terrain vehicle or  
4 the fair market value if no sale immediately preceded  
5 the transfer and any additional information the  
6 department requires. If the application is made for  
7 an all-terrain vehicle last previously registered  
8 or titled in another state or foreign country, the  
9 application shall contain this information and any  
10 other information the department requires.

11 Sec. 95. Section 462A.77, subsection 4, Code 2013,  
12 is amended to read as follows:

13 4. Every owner of a vessel subject to titling  
14 under this chapter shall apply to the county recorder  
15 for issuance of a certificate of title for the vessel  
16 within thirty days after acquisition. The application  
17 shall be on forms the department prescribes, and  
18 accompanied by the required fee. The application shall  
19 be signed and sworn to before a ~~notary public~~ notarial  
20 officer as provided in chapter 9B or other person who  
21 administers oaths, or shall include a certification  
22 signed in writing containing substantially the  
23 representation that statements made are true and  
24 correct to the best of the applicant's knowledge,  
25 information, and belief, under penalty of perjury.  
26 The application shall contain the date of sale and  
27 gross price of the vessel or the fair market value  
28 if no sale immediately preceded the transfer, and any  
29 additional information the department requires. If  
30 the application is made for a vessel last previously  
31 registered or titled in another state or foreign  
32 country, it shall contain this information and any  
33 other information the department requires.

34 Sec. 96. Section 554.3505, subsection 2, Code 2013,  
35 is amended to read as follows:

36 2. A protest is a certificate of dishonor made by a  
37 United States consul or vice consul, or a ~~notary public~~  
38 notarial officer as provided in chapter 9B or other  
39 person authorized to administer oaths by the law of  
40 the place where dishonor occurs. It may be made upon  
41 information satisfactory to that person. The protest  
42 must identify the instrument and certify either that  
43 presentment has been made or, if not made, the reason  
44 why it was not made, and that the instrument has been  
45 dishonored by nonacceptance or nonpayment. The protest  
46 may also certify that notice of dishonor has been given  
47 to some or all parties.

48 Sec. 97. Section 589.4, Code 2013, is amended to  
49 read as follows:

50 **589.4 Acknowledgments by corporation officers.**

S3218.2205 (3) 85

-29-

tm/jp

29/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 The acknowledgments of all deeds, mortgages, or  
2 other instruments in writing taken or certified more  
3 than ten years earlier, which instruments have been  
4 recorded in the recorder's office of any county of this  
5 state, including acknowledgments of instruments made by  
6 a corporation, or to which the corporation was a party,  
7 or under which the corporation was a beneficiary,  
8 and which have been acknowledged before or certified  
9 by a ~~notary public~~ notarial officer as provided in  
10 chapter 9B who was at the time of the acknowledgment or  
11 certifying a stockholder or officer in the corporation,  
12 are legal and valid official acts of the notaries  
13 public, and entitle the instruments to be recorded,  
14 anything in the laws of the state of Iowa in regard to  
15 acknowledgments to the contrary notwithstanding. This  
16 section does not affect pending litigation.

17 Sec. 98. Section 589.5, Code 2013, is amended to  
18 read as follows:

19 **589.5 Acknowledgments by stockholders.**

20 All deeds and conveyances of lands within this  
21 state executed more than ten years earlier, but  
22 which have been acknowledged or proved according  
23 to and in compliance with the laws of this state  
24 before a ~~notary public~~ notarial officer as provided  
25 in chapter 9B or other official authorized by law  
26 to take acknowledgments who was, at the time of  
27 the acknowledgment, an officer or stockholder of a  
28 corporation interested in the deed or conveyance, or  
29 otherwise interested in the deeds or conveyances, are,  
30 if otherwise valid, valid in law as though acknowledged  
31 or proved before an officer not interested in the  
32 deeds or conveyances; and if recorded more than ten  
33 years earlier, in the respective counties in which  
34 the lands are, the records are valid in law as though  
35 the deeds and conveyances, so acknowledged or proved  
36 and recorded, had, prior to being recorded, been  
37 acknowledged or proved before an officer having no  
38 interest in the deeds or conveyances.

39 Sec. 99. Section 622.86, Code 2013, is amended to  
40 read as follows:

41 **622.86 Foreign affidavits.**

42 Those taken out of the state before any judge or  
43 clerk of a court of record, or before a ~~notary public~~  
44 notarial officer as provided in chapter 9B, or a  
45 commissioner appointed by the governor of this state to  
46 take acknowledgment of deeds in the state where such  
47 affidavit is taken, are of the same credibility as if  
48 taken within the state.

49 DIVISION XIII  
50 CORN PROMOTION BOARD

S3218.2205 (3) 85

-30-

tm/jp

30/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 Sec. 100. Section 185C.1, Code 2013, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. 4A. "Director" means a district  
4 elected director or a board elected director as  
5 provided in section 185C.6.

6 Sec. 101. Section 185C.1, subsection 5, Code 2013,  
7 is amended to read as follows:

8 5. "District" means an official crop reporting  
9 district formed by the United States department of  
10 agriculture for use on January 1, 2013, and set out in  
11 the annual farm census published in that year by the  
12 Iowa department of agriculture and land stewardship.

13 Sec. 102. Section 185C.3, Code 2013, is amended to  
14 read as follows:

15 **185C.3 Establishment of corn promotion board.**

16 If a majority of the producers voting in the  
17 referendum election approve the passage of the  
18 promotional order, an Iowa corn promotion board shall  
19 be established. ~~The board shall consist of one~~  
20 ~~director elected from each district in the state,~~  
21 ~~except that a district producing more than an average~~  
22 ~~of one hundred million bushels of corn in the three~~  
23 ~~previous marketing years is entitled to two directors.~~

24 Sec. 103. Section 185C.6, Code 2013, is amended by  
25 striking the section and inserting in lieu thereof the  
26 following:

27 **185C.6 Number and election of directors.**

28 The Iowa corn promotion board established pursuant  
29 to section 185C.3 shall be composed of directors  
30 elected as provided in this chapter. The directors  
31 shall include all of the following:

32 1. Nine district elected directors. Each such  
33 director shall be elected from a district as provided  
34 in section 185C.5, this section, and sections 185C.7  
35 and 185C.8. A candidate receiving the highest number  
36 of votes in each district shall be elected to represent  
37 that district.

38 2. Three board elected directors. Each such  
39 director shall be elected by the board. The candidate  
40 receiving the highest number of votes by the board  
41 shall be elected to represent the state on at-large  
42 basis.

43 Sec. 104. Section 185C.7, Code 2013, is amended to  
44 read as follows:

45 **185C.7 Terms of directors.**

46 1. Director terms A director's term of office shall  
47 be for three years and no. A district elected director  
48 of the board shall not serve for more than three  
49 complete consecutive terms. A board elected director  
50 shall not serve for more than one complete term of

S3218.2205 (3) 85

-31-

tm/jp

31/61





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 office. A district elected director who is elected  
2 as board elected director shall not serve more than a  
3 total of four terms of office, regardless of whether  
4 any of the terms of office are complete or consecutive.

5 2. If the board is reconstituted pursuant to  
6 section 185C.8, the terms of the directors shall be  
7 controlled by this section. However, the initial terms  
8 of the reconstituted board shall be staggered. To the  
9 extent practicable, one-third of the elected directors  
10 shall serve an initial term of one year, one-third of  
11 the elected directors shall serve an initial term of  
12 two years, and one-third of the elected directors shall  
13 serve an initial term of three years. The initial  
14 terms of board elected directors shall be determined  
15 by board members directors drawing lots. The board  
16 elected under this paragraph shall not contain two  
17 directors from the same district serving the same term.

18 Sec. 105. Section 185C.8, Code 2013, is amended to  
19 read as follows:

20 **185C.8 Elections Administration of elections for**  
21 **directors.**

22 1. The Iowa corn promotion board shall administer  
23 elections for district elected directors of the board  
24 with the assistance of the secretary. Prior to the  
25 expiration of a director's term of office, the board  
26 shall appoint a nominating committee for the district  
27 represented by that director. The nominating committee  
28 shall consist of five producers who are residents of  
29 the district from which a director must be elected.  
30 The nominating committee shall nominate two resident  
31 producers as candidates for each director position for  
32 which an election is to be held. Additional candidates  
33 may be nominated by a written petition of twenty-five  
34 producers. Procedures governing the time and place of  
35 filing shall be adopted and publicized by the board.

36 Following recommencement of the promotional order,  
37 or termination of the promotional order's suspension  
38 as provided in section 185C.24, the secretary shall  
39 order the reconstitution of the board. An election of  
40 district elected directors shall be held within thirty  
41 days from the date of the order. The secretary shall  
42 call for, provide for notice of, conduct, and certify  
43 the results of the election in a manner consistent  
44 with section 185C.5 through 185C.7. Directors shall  
45 serve terms as provided in section 185C.7. Rules  
46 or procedures adopted by the board and in effect at  
47 the date of suspension shall continue in effect upon  
48 reconstitution of the board. The Iowa corn growers  
49 association may nominate two resident producers as  
50 candidates for each director position. Additional

S3218.2205 (3) 85

-32-

tm/jp

32/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 candidates may be nominated by a written petition of at  
2 least twenty-five producers.

3     2. The Iowa corn promotion board shall administer  
4 elections for board elected directors. Prior to  
5 the expiration of a board elected director's term of  
6 office, the board may appoint a nominating committee.  
7 In order to be eligible for nomination and election,  
8 a candidate must have previously served on the board  
9 as an elected director. An officer of the board shall  
10 certify the results of the election.

11     Sec. 106. Section 185C.10, subsection 3, Code 2013,  
12 is amended by striking the subsection.

13     Sec. 107. Section 185C.14, subsection 3, Code 2013,  
14 is amended to read as follows:

15     3. The board shall meet at least ~~once every~~ three  
16 ~~months~~ times each year, and at such other times as  
17 deemed necessary by the board.

18     Sec. 108. Section 185C.21, subsection 2, Code 2013,  
19 is amended to read as follows:

20     2. Upon request of the board, the secretary shall  
21 call a special referendum for producers to vote  
22 on whether to authorize an increase in the state  
23 assessment above one-quarter of one cent per bushel,  
24 notwithstanding subsection 1. The special referendum  
25 shall be conducted as provided in this chapter for  
26 referendum elections. However, the special referendum  
27 shall not affect the existence or length of the  
28 promotional order in effect. If a majority of the  
29 producers voting in the special referendum approve  
30 the increase, the board may increase the assessment  
31 to the amount approved in the special referendum.  
32 However, a state assessment shall not exceed ~~one cent~~  
33 ~~per~~ a scheduled amount assessed on each bushel of corn  
34 marketed in this state determined as follows:

35     a. Until September 1, 2013, one cent.

36     b. For each marketing year of the period beginning  
37 September 1, 2013, and ending August 31, 2018, two  
38 cents.

39     c. For each marketing year of the period beginning  
40 September 1, 2018, and ending August 31, 2023, three  
41 cents.

42     d. For each marketing year of the period beginning  
43 September 1, 2023, and ending August 31, 2028, four  
44 cents.

45     e. For each marketing year beginning on and after  
46 September 1, 2028, five cents.

47     Sec. 109. Section 185C.27, Code 2013, is amended to  
48 read as follows:

49     **185C.27 Refund of assessment.**

50     A producer who has sold corn and had a state

S3218.2205 (3) 85

-33-

tm/jp

33/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 assessment deducted from the sale price, by application  
2 in writing to the board, may secure a refund in the  
3 amount deducted. The refund shall be payable only  
4 when the application shall have been made to the board  
5 within sixty days after the deduction. Application  
6 forms shall be given by the board to each first  
7 purchaser when requested and the first purchaser  
8 shall make the applications available to any producer.  
9 Each application for refund by a producer shall have  
10 attached to the application proof of the assessment  
11 deducted. The proof of assessment may be in the  
12 form of a duplicate or certified copy of the purchase  
13 invoice by the first purchaser. The board shall have  
14 thirty business days from the date the application  
15 for refund is received to remit the refund to the  
16 producer. The board may provide for refunds of a  
17 federal assessment as provided by federal law. Unless  
18 inconsistent with federal law, refunds shall be made  
19 under section 185C.26.

20 Sec. 110. IMPLEMENTATION. The Iowa corn promotion  
21 board established pursuant to section 185C.3 shall  
22 implement this division of this Act.

23 1. During the implementation period all of the  
24 following shall apply:

25 a. The board shall provide for staggered terms  
26 of directors in the same manner as required for the  
27 initial terms of office of a reconstituted board  
28 pursuant to section 185C.7. However, the board is not  
29 required to draw lots as otherwise provided in that  
30 section.

31 b. The board is not required to fill a vacancy for  
32 an unexpired term as required in section 185C.9.

33 c. The board may reduce the number of years of a  
34 director's term in order to comply with this section.

35 2. The board shall complete implementation of this  
36 Act not later than July 1, 2014.

37 Sec. 111. EFFECTIVE UPON ENACTMENT. This division  
38 of this Act, being deemed of immediate importance,  
39 takes effect upon enactment.

40 DIVISION XIV

41 APPORTIONMENT OF TRANSPORTATION FUNDS — APPROPRIATION

42 Sec. 112. Section 312.3, subsection 2, Code 2013,  
43 is amended by adding the following new paragraph:

44 NEW PARAGRAPH. d. For purposes of apportioning  
45 among the cities of the state the percentage of  
46 the road use tax fund to be credited to the street  
47 construction fund of the cities for each month  
48 beginning March 2011 and ending March 2021 pursuant to  
49 this subsection, the population of each city shall be  
50 determined by the greater of the population of the city

S3218.2205 (3) 85

-34-

tm/jp

34/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 as of the last preceding certified federal census or  
2 as of the April 1, 2010, population estimates base as  
3 determined by the United States census bureau.

4 Sec. 113. STREET CONSTRUCTION FUND —  
5 APPROPRIATION.

6 1. In a written application to the treasurer of  
7 state submitted by October 1, 2013, a city may request  
8 an additional distribution of moneys to be credited  
9 to the street construction fund of the city equal to  
10 that additional amount, calculated by the treasurer,  
11 that the city would have received if the funds were  
12 apportioned based upon the population of the city as  
13 determined by section 312.3, subsection 2, paragraph  
14 "d", as enacted in this division of this Act, for the  
15 months prior to the effective date of this division of  
16 this Act.

17 2. Upon determination by the treasurer of state  
18 that an additional amount should be credited to a city  
19 as provided by this section, there is appropriated from  
20 the general fund of the state to the department of  
21 transportation, for the fiscal year beginning July 1,  
22 2013, and ending June 30, 2014, an amount sufficient to  
23 pay the additional amount which shall be distributed to  
24 the city for deposit in the street construction fund  
25 of the city.

26 Sec. 114. EFFECTIVE UPON ENACTMENT. This division  
27 of this Act, being deemed of immediate importance,  
28 takes effect upon enactment.

29 Sec. 115. RETROACTIVE APPLICABILITY. This division  
30 of this Act applies retroactively to March 2011.

31 DIVISION XV  
32 IOWACARE

33 MEDICAL ASSISTANCE — IOWACARE TRANSFER ALLOCATION

34 Sec. 116. 2011 Iowa Acts, chapter 129, section 122,  
35 subsection 13, as amended by 2012 Iowa Acts, chapter  
36 1133, section 10, is amended to read as follows:

37 13. Of the funds appropriated in this section, up  
38 to ~~\$8,684,329~~ \$16,004,422 may be transferred to the  
39 IowaCare account created in section 249J.24.

40 IOWACARE ACCOUNT APPROPRIATIONS — UNIVERSITY OF IOWA  
41 HOSPITALS AND CLINICS

42 Sec. 117. 2011 Iowa Acts, chapter 129, section 146,  
43 subsection 1, paragraph c, as amended by 2012 Iowa  
44 Acts, chapter 1133, section 40, is amended to read as  
45 follows:

46 c. The university of Iowa hospitals and clinics  
47 shall certify public expenditures in an amount equal to  
48 provide the nonfederal share on total expenditures not  
49 to exceed ~~\$32,000,000~~ \$26,000,000.

50 Sec. 118. 2011 Iowa Acts, chapter 129, section 146,

S3218.2205 (3) 85

-35-

tm/jp

35/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 subsection 2, unnumbered paragraph 2, as amended by  
2 2012 Iowa Acts, chapter 1133, section 41, is amended  
3 to read as follows:

4 For salaries, support, maintenance, equipment, and  
5 miscellaneous purposes, for the provision of medical  
6 and surgical treatment of indigent patients, for  
7 provision of services to members of the expansion  
8 population pursuant to chapter 249J, and for medical  
9 education:

10 ..... \$ ~~45,654,133~~  
11 52,569,199

12 Sec. 119. 2011 Iowa Acts, chapter 129, section 146,  
13 subsection 3, is amended to read as follows:

14 3. There is appropriated from the IowaCare account  
15 created in section 249J.24, to the state board  
16 of regents for distribution to university of Iowa  
17 physicians for the fiscal year beginning July 1, 2012,  
18 and ending June 30, 2013, the following amount, or  
19 so much thereof as is necessary to be used for the  
20 purposes designated:

21 For salaries, support, maintenance, equipment, and  
22 miscellaneous purposes for the provision of medical and  
23 surgical treatment of indigent patients, for provision  
24 of services to members of the expansion population  
25 pursuant to chapter 249J, and for medical education:  
26 ..... \$ ~~16,277,753~~  
27 19,806,365

28 Notwithstanding any provision of law to the  
29 contrary, the amount appropriated in this subsection  
30 shall be distributed based on claims submitted,  
31 adjudicated, and paid by the Iowa Medicaid enterprise.  
32 Once the entire amount appropriated in this subsection  
33 has been distributed, claims shall continue to  
34 be submitted and adjudicated by the Iowa Medicaid  
35 enterprise; however, no payment shall be made based  
36 upon such claims.

37 Sec. 120. 2011 Iowa Acts, chapter 129, section  
38 146, subsection 6, unnumbered paragraphs 1 and 2, are  
39 amended to read as follows:

40 There is appropriated from the IowaCare account  
41 created in section 249J.24 to the department of human  
42 services for the fiscal year beginning July 1, 2012,  
43 and ending June 30, 2013, the following amount, or  
44 so much thereof as is necessary to be used for the  
45 purposes designated:

46 For a care coordination pool to pay the expansion  
47 population providers consisting of the university of  
48 Iowa hospitals and clinics, the publicly owned acute  
49 care teaching hospital as specified in section 249J.7,  
50 and current medical assistance program providers that

S3218.2205 (3) 85

-36-

tm/jp

36/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 are not expansion population network providers pursuant  
2 to section 249J.7, for services covered by the full  
3 benefit medical assistance program but not under the  
4 IowaCare program pursuant to section 249J.6, that are  
5 provided to expansion population members:  
6 ..... \$ 1,500,000  
7 2,500,000  
8 Sec. 121. 2011 Iowa Acts, chapter 129, section 146,  
9 is amended by adding the following new subsection:  
10 NEW SUBSECTION. 8. For the fiscal year beginning  
11 July 1, 2012, and ending June 30, 2013, the state board  
12 of regents shall transfer \$1,275,577 to the IowaCare  
13 account created in section 249J.24, to provide the  
14 nonfederal share for distribution to university of Iowa  
15 physicians under the IowaCare program.  
16 Sec. 122. EFFECTIVE UPON ENACTMENT. This division  
17 of this Act, being deemed of immediate importance,  
18 takes effect upon enactment.  
19 DIVISION XVI  
20 HISTORIC PRESERVATION AND CULTURAL AND ENTERTAINMENT  
21 DISTRICT TAX CREDITS  
22 Sec. 123. Section 404A.1, subsection 2, paragraph  
23 e, Code 2013, is amended to read as follows:  
24 e. "Substantial rehabilitation" means qualified  
25 rehabilitation costs that meet or exceed the following:  
26 (1) In the case of commercial property, costs  
27 totaling at least fifty thousand dollars or fifty  
28 percent of the assessed value of the property,  
29 excluding the land, prior to the rehabilitation,  
30 whichever is less.  
31 (2) In the case of residential property or barns  
32 other than commercial property, costs totaling at least  
33 twenty-five thousand dollars or twenty-five percent  
34 of the assessed value, excluding the land, prior to  
35 rehabilitation, whichever is less.  
36 Sec. 124. Section 404A.3, subsection 3, paragraph  
37 b, Code 2013, is amended to read as follows:  
38 b. The eligible property shall be placed in service  
39 within either sixty months of the date on which the  
40 project application was approved under this section,  
41 or seventy-two months of the date on which the project  
42 application was approved under this section if more  
43 than fifty percent of the qualified rehabilitation  
44 costs are incurred within sixty months of the date on  
45 which the project application was approved under this  
46 section.  
47 Sec. 125. Section 404A.4, subsection 2, paragraph  
48 d, Code 2013, is amended to read as follows:  
49 d. For the fiscal year beginning July 1, 2012,  
50 and for each fiscal year thereafter, the office shall

S3218.2205 (3) 85

-37-

tm/jp

37/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 reserve not more than forty-five million dollars worth  
2 of tax credits for any one taxable year.  
3 Sec. 126. Section 404A.4, subsection 2, Code 2013,  
4 is amended by adding the following new paragraphs:  
5 NEW PARAGRAPH. e. For a fiscal year beginning  
6 on or after July 1, 2013, but before July 1, 2016,  
7 the office shall reserve not more than sixty million  
8 dollars worth of tax credits for any one taxable year.  
9 NEW PARAGRAPH. f. For the fiscal year beginning  
10 July 1, 2016, and for each fiscal year thereafter,  
11 the office shall reserve not more than fifty million  
12 dollars worth of tax credits for any one taxable year.  
13 Sec. 127. Section 404A.4, subsection 4, paragraph  
14 a, Code 2013, is amended to read as follows:  
15 a. The total amount of tax credits that may be  
16 approved for a fiscal year prior to the fiscal year  
17 beginning July 1, 2012, under this chapter shall not  
18 exceed fifty million dollars. The total amount of  
19 tax credits that may be approved for a the fiscal  
20 year beginning on or after July 1, 2012, shall not  
21 exceed forty-five million dollars. The total amount  
22 of tax credits that may be approved for a fiscal year  
23 beginning on or after July 1, 2013, but before July  
24 1, 2016, shall not exceed sixty million dollars. The  
25 total amount of tax credits that may be approved for a  
26 fiscal year beginning on or after July 1, 2016, shall  
27 not exceed fifty million dollars.  
28 Sec. 128. Section 404A.4, subsection 4, paragraph  
29 b, subparagraph (1), Code 2013, is amended to read as  
30 follows:  
31 (1) Ten percent of the dollar amount of tax credits  
32 shall be allocated for purposes of new projects with  
33 final qualified rehabilitation costs of five seven  
34 hundred fifty thousand dollars or less.  
35 Sec. 129. EFFECTIVE UPON ENACTMENT. The following  
36 provision or provisions of this division of this Act,  
37 being deemed of immediate importance, take effect upon  
38 enactment:  
39 1. The section amending section 404A.3.  
40 Sec. 130. APPLICABILITY. The following provision  
41 or provisions of this division of this Act apply to  
42 eligible property to be placed in service on or after  
43 the effective date of this division of this Act:  
44 1. The section amending section 404A.3.  
45 DIVISION XVII  
46 INCOME TAXES  
47 Sec. 131. Section 422.5, subsection 1, paragraph j,  
48 subparagraph (2), subparagraph division (a), Code 2013,  
49 is amended to read as follows:  
50 (a) The tax imposed upon the taxable income of

S3218.2205 (3) 85

-38-

tm/jp

38/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 a resident shareholder in an S corporation or of  
2 an estate or trust with a situs in Iowa that is a  
3 shareholder in an S corporation, which S corporation  
4 has in effect for the tax year an election under  
5 subchapter S of the Internal Revenue Code and carries  
6 on business within and without the state, may be  
7 computed by reducing the amount determined pursuant  
8 to paragraphs "a" through "i" by the amounts of  
9 nonrefundable credits under this division and by  
10 multiplying this resulting amount by a fraction of  
11 which the resident's or estate's or trust's net income  
12 allocated to Iowa, as determined in section 422.8,  
13 subsection 2, paragraph "b", is the numerator and the  
14 resident's or estate's or trust's total net income  
15 computed under section 422.7 is the denominator. If  
16 a resident shareholder, or an estate or trust with  
17 a situs in Iowa that is a shareholder, has elected  
18 to take advantage of this subparagraph (2), and for  
19 the next tax year elects not to take advantage of  
20 this subparagraph, the resident or estate or trust  
21 shareholder shall not reelect to take advantage of  
22 this subparagraph for the three tax years immediately  
23 following the first tax year for which the shareholder  
24 elected not to take advantage of this subparagraph,  
25 unless the director consents to the reelection. This  
26 subparagraph also applies to individuals who are  
27 residents of Iowa for less than the entire tax year.  
28 Sec. 132. Section 422.8, subsection 2, paragraph b,  
29 unnumbered paragraph 1, Code 2013, is amended to read  
30 as follows:  
31 A resident's income, or the income of an estate  
32 or trust with a situs in Iowa, allocable to Iowa is  
33 the income determined under section 422.7 reduced by  
34 items of income and expenses from an S corporation that  
35 carries on business within and without the state when  
36 those items of income and expenses pass directly to the  
37 shareholders under provisions of the Internal Revenue  
38 Code. These items of income and expenses are increased  
39 by the greater of the following:  
40 Sec. 133. Section 422.15, subsection 2, Code 2013,  
41 is amended to read as follows:  
42 2. Every partnership, including limited  
43 partnerships organized under chapter 488, having a  
44 place of business in the state, doing business in this  
45 state, or deriving income from sources within this  
46 state as defined in section 422.33, subsection 1, shall  
47 make a return, stating specifically the net income  
48 and capital gains (or losses) reported on the federal  
49 partnership return, the names and addresses of the  
50 partners, and their respective shares in said amounts.

S3218.2205 (3) 85

-39-

tm/jp

39/61





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 Sec. 134. EFFECTIVE UPON ENACTMENT. This division  
2 of this Act, being deemed of immediate importance,  
3 takes effect upon enactment.

4 Sec. 135. RETROACTIVE APPLICABILITY. The following  
5 provision or provisions of this division of this Act  
6 apply retroactively to January 1, 2013, for tax years  
7 beginning on or after that date:

8 1. The section amending section 422.5.

9 2. The section amending section 422.8.

10 3. The section amending section 422.15.

11 DIVISION XVIII

12 SALES AND USE TAXES

13 Sec. 136. Section 423.1, subsection 5, Code 2013,  
14 is amended to read as follows:

15 5. "*Agricultural production*" includes the production  
16 of flowering, ornamental, or vegetable plants in  
17 commercial greenhouses or otherwise, and production  
18 from aquaculture, and production from silvicultural  
19 activities. "*Agricultural products*" includes  
20 flowering, ornamental, or vegetable plants and those  
21 products of aquaculture and silviculture.

22 Sec. 137. Section 423.2, subsection 6, paragraph a,  
23 Code 2013, is amended to read as follows:

24 a. The sales price of any of the following  
25 enumerated services is subject to the tax imposed  
26 by subsection 5: alteration and garment repair;  
27 armored car; vehicle repair; battery, tire, and  
28 allied; investment counseling; service charges of  
29 all financial institutions; barber and beauty; boat  
30 repair; vehicle wash and wax; campgrounds; carpentry;  
31 roof, shingle, and glass repair; dance schools  
32 and dance studios; dating services; dry cleaning,  
33 pressing, dyeing, and laundering; electrical and  
34 electronic repair and installation; excavating and  
35 grading; farm implement repair of all kinds; flying  
36 service; furniture, rug, carpet, and upholstery  
37 repair and cleaning; fur storage and repair; golf and  
38 country clubs and all commercial recreation; gun and  
39 camera repair; house and building moving; household  
40 appliance, television, and radio repair; janitorial and  
41 building maintenance or cleaning; jewelry and watch  
42 repair; lawn care, landscaping, and tree trimming  
43 and removal; limousine service, including driver;  
44 machine operator; machine repair of all kinds; motor  
45 repair; motorcycle, scooter, and bicycle repair;  
46 oilers and lubricators; office and business machine  
47 repair; painting, papering, and interior decorating;  
48 parking facilities; pay television; pet grooming; pipe  
49 fitting and plumbing; wood preparation; executive  
50 search agencies; private employment agencies, excluding

S3218.2205 (3) 85

-40-

tm/jp

40/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 services for placing a person in employment where the  
2 principal place of employment of that person is to be  
3 located outside of the state; reflexology; security  
4 and detective services, excluding private security  
5 and detective services furnished by a peace officer  
6 with the knowledge and consent of the chief executive  
7 officer of the peace officer's law enforcement  
8 agency; sewage services for nonresidential commercial  
9 operations; sewing and stitching; shoe repair and  
10 shoeshine; sign construction and installation;  
11 storage of household goods, mini-storage, and  
12 warehousing of raw agricultural products; swimming  
13 pool cleaning and maintenance; tanning beds or salons;  
14 taxidermy services; telephone answering service; test  
15 laboratories, including mobile testing laboratories and  
16 field testing by testing laboratories, and excluding  
17 tests on humans or animals; termite, bug, roach,  
18 and pest eradicators; tin and sheet metal repair;  
19 transportation service consisting of the rental of  
20 recreational vehicles or recreational boats, or the  
21 rental of motor vehicles subject to registration which  
22 are registered for a gross weight of thirteen tons  
23 or less for a period of sixty days or less, or the  
24 rental of aircraft for a period of sixty days or less;  
25 Turkish baths, massage, and reducing salons, excluding  
26 services provided by massage therapists licensed  
27 under chapter 152C; water conditioning and softening;  
28 weighing; welding; well drilling; wrapping, packing,  
29 and packaging of merchandise other than processed meat,  
30 fish, fowl, and vegetables; wrecking service; wrecker  
31 and towing.

32 Sec. 138. Section 423.3, subsection 47, paragraph  
33 d, subparagraph (4), Code 2013, is amended to read as  
34 follows:

35 (4) "Manufacturer" means as defined in section  
36 428.20 a person who purchases, receives, or holds  
37 personal property of any description for the purpose  
38 of adding to its value by a process of manufacturing,  
39 refining, purifying, combining of different materials,  
40 or by the packing of meats, with a view to selling  
41 the property for gain or profit, but also includes  
42 contract manufacturers. A contract manufacturer is a  
43 manufacturer that otherwise falls within the definition  
44 of manufacturer under section 428.20, except that  
45 a contract manufacturer does not sell the tangible  
46 personal property the contract manufacturer processes  
47 on behalf of other manufacturers. A business engaged  
48 in activities subsequent to the extractive process of  
49 quarrying or mining, such as crushing, washing, sizing,  
50 or blending of aggregate materials, is a manufacturer

S3218.2205 (3) 85

-41-

tm/jp

41/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 with respect to these activities. This subparagraph  
2 (4) shall not be construed to require that a person  
3 be primarily engaged in an activity listed in this  
4 subparagraph in order to qualify as a manufacturer for  
5 purposes of this subsection.

6 Sec. 139. Section 423.3, Code 2013, is amended by  
7 adding the following new subsection:

8 NEW SUBSECTION. 99. The sales price from services  
9 furnished by forestry consultants and forestry vendors  
10 engaged in forestry practices on private or public  
11 land.

12 DIVISION XIX

13 IOWA FUND OF FUNDS

14 Sec. 140. Section 15E.62, Code 2013, is amended by  
15 adding the following new subsections:

16 NEW SUBSECTION. 03. "Creditor" means a person,  
17 including an assignee of or successor to such person,  
18 who extends credit or makes a loan to the Iowa fund of  
19 funds or to a designated investor, and includes any  
20 person who refinances such credit or loan.

21 NEW SUBSECTION. 04. "Fund documents" means all  
22 agreements relating to matters under the purview of  
23 this division VII entered into prior to the effective  
24 date of this division of this Act between or among  
25 the state, the Iowa fund of funds, a fund allocation  
26 manager or similar manager, the Iowa capital investment  
27 corporation, the board, a creditor, a designated  
28 investor, and a private seed or venture capital  
29 partnership, and includes other documents having the  
30 same force and effect between or among such parties,  
31 as any of the foregoing may be amended, modified,  
32 restated, or replaced from time to time.

33 Sec. 141. Section 15E.65, subsection 2, paragraph  
34 h, Code 2013, is amended to read as follows:

35 h. ~~Fifty years after the organization of the~~  
36 Iowa fund of funds As soon as practicable after the  
37 effective date of this division of this Act, the  
38 Iowa capital investment corporation, in conjunction  
39 with the department of revenue, the board, and the  
40 attorney general, shall wind up the Iowa fund of  
41 funds pursuant to section 15E.72 and shall cause the  
42 Iowa fund of funds to be liquidated with all of its  
43 assets distributed to its owners in accordance with  
44 the provisions of its organizational documents and in  
45 accordance with the fund documents. In liquidating  
46 such assets, the capital investment corporation, the  
47 department of revenue, the board, and the attorney  
48 general shall act with prudence and caution in order  
49 to minimize costs and fees and to preserve investment  
50 assets to the extent reasonably possible.

S3218.2205 (3) 85

-42-

tm/jp

42/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1     Sec. 142. NEW SECTION. 15E.72 Program wind-up and  
2 future repeal.  
3     1. *Organization of additional funds prohibited.*  
4 Notwithstanding section 15E.65, an Iowa fund of funds  
5 shall not be organized on or after the effective date  
6 of this division of this Act.  
7     2. *New investments by the fund of funds*  
8 *prohibited.* Notwithstanding section 15E.65, the Iowa  
9 fund of funds shall not make new investments in private  
10 seed and venture capital partnerships or entities on or  
11 after the effective date of this division of this Act  
12 except as required by the fund documents.  
13     3. *New investments by designated investors*  
14 *prohibited.*  
15     a. Except as provided in paragraph "b", and  
16 notwithstanding any other provision in this division  
17 VII, a designated investor shall not invest in the Iowa  
18 fund of funds on or after the effective date of this  
19 division of this Act.  
20     b. Notwithstanding the prohibition in paragraph  
21 "a", a designated investor may invest in the Iowa  
22 fund of funds on or after the effective date of this  
23 division of this Act to the extent such investment  
24 is required by the fund documents. In addition, the  
25 director of revenue, with the approval of the attorney  
26 general, may authorize additional investment in the  
27 Iowa fund of funds but only if such an investment is  
28 necessary to preserve fund assets, repay creditors, pay  
29 taxes, or otherwise effectuate an orderly wind-up of  
30 the program pursuant to this section.  
31     4. *Issuance, verification, and redemption of new*  
32 *certificates prohibited.*  
33     a. Except as provided in paragraph "b", and  
34 notwithstanding any other provision in this division  
35 VII, the board shall not issue, verify, or redeem a  
36 certificate or a related tax credit on or after the  
37 effective date of this division of this Act.  
38     b. Notwithstanding the prohibition in paragraph  
39 "a", the board may issue, redeem, or verify a  
40 certificate or a related tax credit under any of the  
41 following conditions:  
42         (1) The board is required to do so under the terms  
43 of the fund documents.  
44         (2) The issuance, redemption, or verification is  
45 deemed necessary by the director of revenue and the  
46 attorney general in order to arrange new financing  
47 terms with a creditor.  
48         (3) The issuance, redemption, or verification  
49 is deemed necessary by the director of revenue and  
50 the attorney general to preserve fund assets, repay

S3218.2205 (3) 85

-43-

tm/jp

43/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 creditors, or otherwise effectuate an orderly wind-up  
2 of the program pursuant to this section.  
3 5. *New fund allocation managers prohibited.*  
4 a. Notwithstanding any other provision in this  
5 division VII, the Iowa capital investment corporation  
6 shall not have authority to solicit, select, terminate,  
7 or change a fund allocation manager or similar manager  
8 on or after the effective date of this division of this  
9 Act.  
10 b. On or after the effective date of this division  
11 of this Act, all decisions pertaining to relationships  
12 with a fund allocation manager or similar manager  
13 selected prior to the effective date of this division  
14 of this Act shall be made by the director of revenue  
15 with the approval of the attorney general. This  
16 subsection shall not be construed to impair the terms  
17 of the fund documents.  
18 6. *Pledging of certificates prohibited.*  
19 a. Except as provided in paragraph "b", and  
20 notwithstanding any other provision of law to the  
21 contrary, a certificate and a related tax credit or  
22 verified tax credit issued by the board shall not be  
23 pledged by a designated investor as security for a loan  
24 or an extension of credit on or after the effective  
25 date of this division of this Act.  
26 b. Notwithstanding the prohibition in paragraph  
27 "a", a certificate and related tax credit or verified  
28 tax credit issued by the board may be pledged by  
29 a designated investor as security for a loan or an  
30 extension of credit to the extent such pledge is  
31 required by the fund documents. In addition, the  
32 board, with the approval of the director of revenue  
33 and the attorney general, may authorize a certificate  
34 and related tax credit to be pledged as security for  
35 a loan or an extension of credit, but only if such a  
36 pledge is necessary to arrange new financing terms with  
37 a creditor or to repay creditors for moneys loaned or  
38 credit extended to a designated investor.  
39 7. *Rural and small business loan guarantees*  
40 *prohibited.* Notwithstanding any other provision in  
41 this division VII to the contrary, the Iowa capital  
42 investment corporation shall not make rural and small  
43 business loan guarantees or otherwise administer a  
44 program to provide loan guarantees and other related  
45 credit enhancements on loans to rural and small  
46 business borrowers within the state of Iowa on or after  
47 the effective date of this division of this Act.  
48 8. *Iowa capital investment corporation purposes*  
49 *amended.* Notwithstanding section 15E.64, on or after  
50 the effective date of this division of this Act, the

S3218.2205 (3) 85

-44-

tm/jp

44/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 purposes of the Iowa capital investment corporation  
2 shall be to comply with its obligations under the  
3 fund documents and to assist the board, the director  
4 of revenue, and the attorney general in effectuating  
5 the orderly wind-up of the Iowa fund of funds.  
6 In effectuating such a wind-up, the Iowa capital  
7 investment corporation shall comply with all reasonable  
8 requests by the board, the director of revenue, the  
9 attorney general, or the auditor of state.

10 9. *Use of revolving fund prohibited.*

11 a. Notwithstanding section 15E.65, subsection 2,  
12 paragraph "a", on or after the effective date of this  
13 division of this Act, all investment returns received  
14 by the Iowa capital investment corporation that are in  
15 excess of those payable to designated investors shall  
16 be deposited in the general fund of the state.

17 b. This subsection shall not be construed to  
18 impair the terms of the fund documents. It is the  
19 intent of the general assembly that this subsection  
20 only applies in the event that there are investment  
21 returns in excess of those necessary to repay creditors  
22 and designated investors under the terms of the fund  
23 documents.

24 10. *Preservation of existing rights.* This section  
25 is not intended to and shall not limit, modify,  
26 or otherwise adversely affect the fund documents,  
27 including any certificate or related tax credit issued  
28 before the effective date of this division of this Act.

29 11. *Future repeal.* This division VII is repealed  
30 upon the occurrence of one of the following, whichever  
31 is earlier:

32 a. The expiration or termination of all fund  
33 documents. The director of revenue shall notify the  
34 Iowa Code editor upon the occurrence of this condition.

35 b. December 31, 2027.

36 Sec. 143. **EFFECTIVE UPON ENACTMENT.** This division  
37 of this Act, being deemed of immediate importance,  
38 takes effect upon enactment.

39 **DIVISION XX**

40 **STUDY REPORT**

41 Sec. 144. **ADMINISTRATIVE APPEALS PROCESS FOR**  
42 **TAX MATTERS AND NEW TAX APPEAL BOARD — REPORT.** The  
43 department of revenue, in consultation with the  
44 department of management and other interested  
45 stakeholders, shall study the independence,  
46 effectiveness, and fairness of the state's current  
47 administrative appeals processes for tax matters and  
48 shall make recommendations for changes, if necessary,  
49 and shall additionally study the desirability,  
50 practicality, and feasibility of replacing components

S3218.2205 (3) 85

-45-

tm/jp

45/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 of these processes with a new consolidated and  
2 independent administrative appeals board for tax  
3 matters within the executive branch to resolve disputes  
4 between the department of revenue and taxpayers.  
5 The department of revenue shall prepare and file a  
6 report detailing its findings and recommendations  
7 with the chairpersons and ranking members of the ways  
8 and means committees of the senate and the house of  
9 representatives and with the legislative services  
10 agency by January 8, 2014. This section of this Act  
11 shall not be construed to provide the department of  
12 revenue with the power or authority to eliminate or in  
13 any way modify the property assessment appeals board  
14 created pursuant to section 421.1A.

15 DIVISION XXI

16 SECURE AN ADVANCED VISION FOR EDUCATION FUND

17 Sec. 145. Section 423F.2, subsection 1, paragraph  
18 b, Code 2013, is amended to read as follows:

19 b. The increase in the state sales, services, and  
20 use taxes under chapter 423, subchapters II and III,  
21 from five percent to six percent shall replace the  
22 repeal of the county's local sales and services tax for  
23 school infrastructure purposes. The distribution of  
24 moneys in the secure an advanced vision for education  
25 fund and the use of the moneys for infrastructure  
26 purposes or property tax relief shall be as provided  
27 in this chapter. ~~However, the formula for the~~  
28 ~~distribution of the moneys in the fund shall be based~~  
29 ~~upon amounts that would have been received if the local~~  
30 ~~sales and services taxes under former chapter 423E,~~  
31 ~~Code and Code Supplement 2007, continued in existence.~~

32 Sec. 146. Section 423F.2, subsection 3, Code 2013,  
33 is amended to read as follows:

34 3. The moneys available in a fiscal year in the  
35 secure an advanced vision for education fund shall be  
36 distributed by the department of revenue to each school  
37 district in an amount equal to the amount the school  
38 district would have received pursuant to the formula  
39 in section 423E.4 as if the local sales and services  
40 tax for school infrastructure purposes was imposed on a  
41 per pupil basis calculated using each school district's  
42 budget enrollment, as defined in section 257.6, for  
43 that fiscal year. Moneys in a fiscal year that are in  
44 excess of that needed to provide each school district  
45 with its formula amount Prior to distribution of moneys  
46 in the secure an advanced vision for education fund to  
47 school districts, two and one-tenths percent of the  
48 moneys available in a fiscal year shall be distributed  
49 and credited to the property tax equity and relief fund  
50 created in section 257.16A.

S3218.2205 (3) 85

-46-

tm/jp

46/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 Sec. 147. APPLICABILITY. This division of this  
2 Act applies to fiscal years beginning on or after July  
3 1, 2014.

4 DIVISION XXII

5 SCHOOL EMPLOYEES — BACKGROUND INVESTIGATIONS

6 Sec. 148. NEW SECTION. 279.69 School employees —  
7 background investigations.

8 1. Prior to hiring an applicant for a school  
9 employee position, a school district shall have access  
10 to and shall review the information in the Iowa court  
11 information system available to the general public,  
12 the sex offender registry information under section  
13 692A.121 available to the general public, the central  
14 registry for child abuse information established under  
15 section 235A.14, and the central registry for dependent  
16 adult abuse information established under section  
17 235B.5 for information regarding the applicant. A  
18 school district shall follow the same procedure by June  
19 30, 2014, for each school employee employed by the  
20 school district as of July 1, 2013. A school district  
21 shall also follow the same procedure every five years  
22 upon the anniversary of each school employee's year of  
23 hire. A school district shall not charge an employee  
24 for the cost of the registry checks conducted pursuant  
25 to this subsection. A school district shall maintain  
26 documentation demonstrating compliance with this  
27 subsection.

28 2. Being listed in the sex offender registry  
29 established under chapter 692A, the central registry  
30 for child abuse information established under section  
31 235A.14, or the central registry for dependent adult  
32 abuse information established under section 235B.5  
33 shall constitute grounds for the immediate suspension  
34 from duties of a school employee, pending a termination  
35 hearing by the board of directors of a school district.  
36 A termination hearing conducted pursuant to this  
37 subsection shall be limited to the question of whether  
38 the school employee was incorrectly listed in the  
39 registry.

40 3. For purposes of this section, "school employee"  
41 means an individual employed by a school district,  
42 including a part-time, substitute, or contract  
43 employee. "School employee" does not include an  
44 individual subject to a background investigation  
45 pursuant to section 272.2, subsection 17, section  
46 279.13, subsection 1, paragraph "b", or section  
47 321.375, subsection 2.

48 Sec. 149. STATE MANDATE FUNDING SPECIFIED. In  
49 accordance with section 25B.2, subsection 3, the state  
50 cost of requiring compliance with any state mandate

S3218.2205 (3) 85

-47-

tm/jp

47/61





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 included in this division of this Act shall be paid  
2 by a school district from state school foundation  
3 aid received by the school district under section  
4 257.16. This specification of the payment of the  
5 state cost shall be deemed to meet all of the state  
6 funding-related requirements of section 25B.2,  
7 subsection 3, and no additional state funding shall be  
8 necessary for the full implementation of this division  
9 of this Act by and enforcement of this division of this  
10 Act against all affected school districts.

11 DIVISION XXIII

12 FOOD BANKS

13 SUBCHAPTER I

14 GENERAL

15 Sec. 150. NEW SECTION. 190B.101 Purpose.

16 The purpose of this chapter is to effectively  
17 and efficiently utilize Iowa's abundant supplies of  
18 nutritional food to relieve situations of emergency  
19 or distress experienced by individuals or families in  
20 need who reside in this state, including low-income  
21 individuals or families and unemployed individuals or  
22 families.

23 Sec. 151. NEW SECTION. 190B.102 Definitions.

24 As used in this chapter, unless the context  
25 otherwise requires:

26 1. "*Federal emergency food assistance program*" means  
27 the federal emergency food assistance program, as  
28 provided in 7 C.F.R. pts. 250 and 251.

29 2. "*Food*" means a substance which is used in whole  
30 or in part for human consumption in compliance with  
31 federal and state standards or requirements including a  
32 donated food that meets the requirements of the federal  
33 emergency food assistance program.

34 3. "*Food commodity*" means any commodity that is  
35 derived from an agricultural animal or crop, both  
36 as defined in section 717A.1, that is produced on  
37 agricultural land as defined in section 425A.2, and  
38 that is intended to be used as food in its raw or  
39 processed state.

40 4. "*Iowa emergency feeding organization*" means a  
41 public or private nonprofit organization whose mission  
42 is compatible with the purpose of this chapter as  
43 provided in section 190B.101 and which includes an  
44 Iowa food bank or other organization that operates  
45 at a congregate nutritional site or that provides  
46 home-delivered meals in this state. An Iowa emergency  
47 feeding organization includes but is not limited to a  
48 food pantry, hunger relief center, or soup kitchen.

49 5. "*Iowa food bank*" means a private nonprofit  
50 organization which meets all of the following

S3218.2205 (3) 85

-48-

tm/jp

48/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 requirements:  
2     *a.* It receives, holds, and directly or indirectly  
3 distributes food principally to Iowa emergency feeding  
4 organizations in a manner compatible with the purpose  
5 of this chapter as provided in section 190B.101.  
6     *b.* It is an organization described in section  
7 501(c)(3) of the Internal Revenue Code and exempt from  
8 taxation under section 501(a) of the Internal Revenue  
9 Code.  
10     *c.* It receives contributions that are deductible  
11 under section 170 of the Internal Revenue Code.  
12     6. "Iowa food bank association" or "association"  
13 means an organization that meets all of the following  
14 requirements:  
15     *a.* It is organized as a nonprofit corporation under  
16 chapter 504.  
17     *b.* Its principal office is or has been located in  
18 this state.  
19     *c.* It is an organization described in section  
20 501(c)(3) of the Internal Revenue Code and exempt from  
21 taxation under section 501(a) of the Internal Revenue  
22 Code.  
23     *d.* It receives contributions that are deductible  
24 under section 170 of the Internal Revenue Code.  
25     *e.* Its members include Iowa food banks, or  
26 affiliations of Iowa food banks, that together serve  
27 all counties in this state.  
28                     SUBCHAPTER II  
29                     IOWA FOOD-LINK TO FOOD-BANK INITIATIVE  
30     Sec. 152. **NEW SECTION. 190B.201 Definition.**  
31     As used in this subchapter, "department" means the  
32 department of human services.  
33     Sec. 153. **NEW SECTION. 190B.202 Department of**  
34 **human services — cooperation with other agencies.**  
35     1. This subchapter shall be administered by the  
36 department of human services.  
37     2. The department shall adopt all rules necessary  
38 to administer this subchapter.  
39     3. Each fiscal year, the department shall award  
40 the amount appropriated in section 190B.203, to an  
41 Iowa food bank association selected by the department  
42 to manage programs associated with an Iowa food-link  
43 to food-bank initiative. The moneys appropriated in  
44 section 190B.203 shall be allocated on a matching basis  
45 as provided in that section. The department shall  
46 execute a contract with the association to provide for  
47 the terms and conditions of the program's management.  
48 A contract shall not obligate the state to pay moneys  
49 for multiple fiscal years.  
50     4. The department of agriculture and land

S3218.2205 (3) 85

-49-

tm/jp

49/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 stewardship, the department of public health, and the  
2 department of inspections and appeals shall cooperate  
3 with the department of human services to administer the  
4 Iowa food-link to food-bank initiative.

5 Sec. 154. NEW SECTION. 190B.203 Iowa food-link to  
6 food-bank initiative — appropriation.

7 1. For the fiscal year beginning July 1, 2013,  
8 and ending June 30, 2014, and for each subsequent  
9 fiscal year, there is appropriated from the general  
10 fund of the state to the department of human services  
11 the amount of two million dollars to support an Iowa  
12 food-link to food-bank initiative to further the  
13 purpose provided in section 190B.101.

14 2. The department of human services shall allocate  
15 the amount appropriated in subsection 1 to an Iowa food  
16 bank association selected by the department as provided  
17 in section 190B.202 for purposes of supporting the  
18 following programs:

19 a. An Iowa emergency food purchase program. The  
20 department shall allocate up to one million seven  
21 hundred thousand dollars to the association for the  
22 purchase of food on behalf of an Iowa emergency feeding  
23 organization or for the distribution of moneys to Iowa  
24 emergency feeding organizations for the purchase of  
25 food.

26 (1) A preference shall be provided to the purchase  
27 of food produced, processed, or packaged within this  
28 state whenever reasonably practicable.

29 (2) The food shall be purchased in a manner that  
30 best furthers a significant economic benefit to  
31 communities of this state.

32 b. An Iowa emergency food nutritional education  
33 program. The department shall allocate up to one  
34 hundred thousand dollars to the association to  
35 distribute the moneys to one or more Iowa emergency  
36 feeding organizations in order to provide instruction  
37 regarding nutrition and promote a lifelong healthy  
38 diet.

39 c. A transportation and storage program. The  
40 department shall allocate up to two hundred thousand  
41 dollars to the association for the limited purposes of  
42 paying costs directly associated with transporting or  
43 storing donated food associated with the Iowa food-link  
44 to food-bank initiative as provided in this subchapter.

45 3. The moneys appropriated in subsection 1 shall  
46 be allocated as provided in subsection 2 only to the  
47 extent that the allocated moneys are matched on a  
48 dollar-for-dollar basis with moneys contributed by one  
49 or more sources, including but not limited to an Iowa  
50 food bank, but not including the state. The department

S3218.2205 (3) 85

-50-

tm/jp

50/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 shall establish procedures or other requirements for  
2 making and tracking matching contributions.  
3                   SUBCHAPTER III  
4           FROM FARM TO FOOD DONATION TAX CREDIT  
5   Sec. 155. NEW SECTION. 190B.301 Definitions.  
6   As used in this subchapter, unless the context  
7 otherwise requires:  
8   1. "Department" means the department of revenue.  
9   2. "Tax credit" means the from farm to food  
10 donation tax credit as established in this subchapter.  
11   Sec. 156. NEW SECTION. 190B.302 Department of  
12 revenue — cooperation with other departments.  
13   1. This subchapter shall be administered by the  
14 department of revenue.  
15   2. The department shall adopt all rules necessary  
16 to administer this subchapter.  
17   3. The department of agriculture and land  
18 stewardship, the department of public health, the  
19 department of human services, and the department  
20 of inspections and appeals shall cooperate with the  
21 department of revenue to administer this subchapter.  
22   Sec. 157. NEW SECTION. 190B.303 From farm to food  
23 donation tax credit.  
24   A from farm to food donation tax credit is allowed  
25 against the taxes imposed in chapter 422, divisions II  
26 and III, as provided in this subchapter.  
27   Sec. 158. NEW SECTION. 190B.304 From farm to food  
28 donation tax credit — eligibility.  
29   In order to qualify for a from farm to food donation  
30 tax credit, all of the following must apply:  
31   1. The taxpayer must produce the donated food  
32 commodity.  
33   2. The taxpayer must transfer title to the  
34 donated food commodity to an Iowa food bank, or an  
35 Iowa emergency feeding organization, recognized  
36 by the department. The taxpayer shall not receive  
37 remuneration for the transfer.  
38   3. The donated food commodity cannot be damaged  
39 or out-of-condition and declared to be unfit for  
40 human consumption by a federal, state, or local health  
41 official. A food commodity that meets the requirements  
42 for donated foods pursuant to the federal emergency  
43 food assistance program satisfies this requirement.  
44   4. A taxpayer claiming the tax credit shall provide  
45 documentation supporting the tax credit claim in a form  
46 and manner prescribed by the department by rule.  
47   Sec. 159. NEW SECTION. 190B.305 From farm to food  
48 donation tax credit — claims filed by individuals who  
49 belong to business entities.  
50   An individual may claim a from farm to food donation

S3218.2205 (3) 85

-51-

tm/jp

51/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 tax credit of a partnership, limited liability company,  
2 S corporation, estate, or trust electing to have  
3 income taxed directly to the individual. The amount  
4 claimed by the individual shall be based upon the  
5 pro rata share of the individual's earnings from the  
6 partnership, limited liability company, S corporation,  
7 estate, or trust.

8 Sec. 160. NEW SECTION. 190B.306 From farm to food  
9 donation tax credit — limits on claims.

10 A from farm to food donation tax credit is subject  
11 to all of the following limitations:

12 1. The tax credit shall not exceed a qualifying  
13 amount for the tax year that the tax credit is claimed.  
14 The qualifying amount is the lesser of the following:

15 a. Fifteen percent of the value of the commodities  
16 donated during the tax year for which the credit  
17 is claimed. The value of the commodities shall  
18 be determined in the same manner as a charitable  
19 contribution of food for federal tax purposes under  
20 section 170(e)(3)(C) of the Internal Revenue Code.

21 b. Five thousand dollars.

22 2. A tax credit in excess of the taxpayer's  
23 liability for the tax year is not refundable but may be  
24 credited to the tax liability for the following five  
25 years or until depleted, whichever is earlier.

26 3. If a tax credit is allowed, the amount of the  
27 contribution for which the tax credit is claimed shall  
28 not be deductible in determining taxable income for  
29 state tax purposes.

30 4. A tax credit shall not be carried back to a tax  
31 year prior to the tax year in which the taxpayer claims  
32 the tax credit.

33 Sec. 161. NEW SECTION. 422.11E From farm to food  
34 donation tax credit.

35 The taxes imposed under this division, less the  
36 credits allowed under section 422.12, shall be reduced  
37 by a from farm to food donation tax credit as allowed  
38 under chapter 190B, subchapter III.

39 Sec. 162. Section 422.33, Code 2013, is amended by  
40 adding the following new subsection:

41 NEW SUBSECTION. 30. The taxes imposed under this  
42 division shall be reduced by a from farm to food  
43 donation tax credit as allowed under chapter 190B,  
44 subchapter III.

45 Sec. 163. APPLICABILITY. The provisions of this  
46 division of this Act providing for a from farm to food  
47 donation tax credit applies to tax years beginning on  
48 or after January 1, 2014.

49 DIVISION XXIV  
50 NATIONAL SPORTING EVENT

S3218.2205 (3) 85

-52-

tm/jp

52/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1     Sec. 164. NATIONAL SPORTING EVENT — MARKETING —  
2     INFRASTRUCTURE — APPROPRIATION.  
3     1. There is appropriated from the general fund of  
4     the state to the economic development authority for the  
5     fiscal year beginning July 1, 2012, and ending June 30,  
6     2013, the following amount, or so much thereof as is  
7     necessary, to be used for the purposes designated:  
8     For distribution to an automobile racetrack facility  
9     as defined in section 423.4, subsection 5, Code  
10    2013, for the development and promotion of a national  
11    sporting event at the facility:  
12    ..... \$ 8,000,000  
13    2. The moneys appropriated in subsection 1 shall  
14    be used for marketing and infrastructure purposes.  
15    Moneys used for marketing purposes shall not be used  
16    for salaries.  
17    3. The authority shall distribute the moneys in the  
18    following manner:  
19    a. Two million dollars in the fiscal year beginning  
20    July 1, 2013.  
21    b. Two million dollars in the fiscal year beginning  
22    July 1, 2014.  
23    c. Two million dollars in the fiscal year beginning  
24    July 1, 2015.  
25    d. Two million dollars in the fiscal year beginning  
26    July 1, 2016.  
27    4. By September 1 of each year beginning September  
28    1, 2014, and ending September 1, 2017, a recipient of  
29    moneys distributed pursuant to this section shall file  
30    a report with the authority providing specific detail  
31    regarding the expenditure of such moneys during the  
32    previous fiscal year.  
33    5. Notwithstanding section 8.33, moneys  
34    appropriated in this section that remain unencumbered  
35    or unobligated shall not revert but shall remain  
36    available for expenditure for the designated purposes  
37    until July 1, 2017.  
38    Sec. 165. EFFECTIVE UPON ENACTMENT. This division  
39    of this Act, being deemed of immediate importance,  
40    takes effect upon enactment.  
41                     DIVISION XXV  
42                     CITY FRANCHISE FEES  
43    Sec. 166. Section 364.2, subsection 4, paragraph  
44    f, subparagraph (1), Code 2013, is amended to read as  
45    follows:  
46    (1) (a) A franchise fee assessed by a city may be  
47    based upon a percentage of gross revenues generated  
48    from sales of the franchisee within the city not to  
49    exceed five percent, except as provided in subparagraph  
50    division (b), without regard to the city's cost of

S3218.2205 (3) 85

-53-

tm/jp

53/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 inspecting, supervising, and otherwise regulating the  
2 franchise.  
3 (b) For franchise fees assessed and collected  
4 during fiscal years beginning on or after July 1,  
5 2013, but before July 1, 2030, by a city that is the  
6 subject of a judgment, court-approved settlement, or  
7 court-approved compromise providing for payment of  
8 restitution, a refund, or a return described in section  
9 384.3A, subsection 3, paragraph "j", the rate of  
10 the franchise fee shall not exceed seven and one-half  
11 percent of gross revenues generated from sales of the  
12 franchisee in the city, and franchise fee amounts  
13 assessed and collected during such fiscal years in  
14 excess of five percent of gross revenues generated from  
15 sales shall be used solely for the purpose specified  
16 in section 384.3A, subsection 3, paragraph "j". A city  
17 may by an ordinance amending its franchise ordinance  
18 assess and collect a franchise fee in excess of five  
19 percent of gross revenues generated from the sales of  
20 the franchisee pursuant to this subparagraph division  
21 (b) for a single period not to exceed seven consecutive  
22 fiscal years once the franchise fee is first imposed  
23 at a rate in excess of five percent. Before adopting  
24 an ordinance increasing the franchise fee rate to  
25 greater than five percent pursuant to this subparagraph  
26 division (b), the city council shall cause a notice of  
27 the proposal to adopt such ordinance to be published  
28 at least once in a newspaper of general circulation  
29 within the city at least ten days prior to the meeting  
30 at which the city council is proposed to take action  
31 to adopt the ordinance to increase the franchise fee  
32 rate to greater than five percent. If at any time  
33 before the date fixed for taking action to adopt the  
34 ordinance a petition is filed with the city clerk  
35 signed by eligible electors of the city equal in number  
36 to five percent of those who voted for the office of  
37 governor at the preceding general election, asking that  
38 the question of approving such ordinance be submitted  
39 to the voters of the city, the city council shall  
40 either by resolution declare the proposal to adopt  
41 the ordinance to have been abandoned or shall call a  
42 special election to vote upon the question of approving  
43 the ordinance. If a majority of those voting on the  
44 proposal approves the proposal, the city may proceed as  
45 proposed. In the event of such an election, the full  
46 text of the ordinance shall be printed on the ballot  
47 and the full text of the ordinance shall be posted for  
48 the voters pursuant to section 52.25. All absentee  
49 voters shall receive the full text of the ordinance  
50 along with the absentee ballot. This subparagraph

S3218.2205 (3) 85

-54-

tm/jp

54/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 division (b) is repealed July 1, 2030.

2 (02) Franchise fees collected pursuant to an  
3 ordinance in effect on May 26, 2009, shall be deposited  
4 in the city's general fund and such fees collected in  
5 excess of the amounts necessary to inspect, supervise,  
6 and otherwise regulate the franchise may be used by  
7 the city for any other purpose authorized by law.  
8 Franchise fees collected pursuant to an ordinance  
9 that is adopted or amended on or after May 26, 2009,  
10 to increase the percentage rate at which franchise  
11 fees are assessed shall be credited to the franchise  
12 fee account within the city's general fund and used  
13 pursuant to section 384.3A. If a city franchise fee  
14 is assessed to customers of a franchise, the fee shall  
15 not be assessed to the city as a customer. Before a  
16 city adopts or amends a franchise fee rate ordinance  
17 or franchise ordinance to increase the percentage  
18 rate at which franchise fees are assessed, a revenue  
19 purpose statement shall be prepared specifying the  
20 purpose or purposes for which the revenue collected  
21 from the increased rate will be expended. If property  
22 tax relief is listed as a purpose, the revenue purpose  
23 statement shall also include information regarding the  
24 amount of the property tax relief to be provided with  
25 revenue collected from the increased rate. The revenue  
26 purpose statement shall be published as provided in  
27 section 362.3.

28 Sec. 167. Section 384.3A, subsection 3, Code 2013,  
29 is amended by adding the following new paragraph:

30 NEW PARAGRAPH. j. For franchise fees assessed and  
31 collected by a city in excess of five percent of gross  
32 revenues generated from sales of the franchisee within  
33 the city pursuant to section 364.2, subsection 4,  
34 paragraph "f", subparagraph (1), subparagraph division  
35 (b), during fiscal years beginning on or after July 1,  
36 2013, but before July 1, 2030, the payment adjustment,  
37 renewal, or extension of any part or all of the legal  
38 indebtedness of a city, whether evidenced by bonds,  
39 warrants, court-approved settlements, court-approved  
40 compromises, or judgments, or the funding or refunding  
41 of the same, if such legal indebtedness relates to  
42 restitution, a refund, or a return ordered by a court  
43 of competent jurisdiction for franchise fees assessed  
44 and collected by the city before the effective date  
45 of this division of this Act. This paragraph "j" is  
46 repealed July 1, 2030.

47 Sec. 168. EFFECTIVE UPON ENACTMENT. This division  
48 of this Act, being deemed of immediate importance,  
49 takes effect upon enactment.

50 DIVISION XXVI

S3218.2205 (3) 85

-55-

tm/jp

55/61





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 SALARIES, COMPENSATION, AND RELATED MATTERS  
2 Sec. 169. APPOINTED STATE OFFICERS.  
3 1. The governor shall establish a salary for  
4 appointed nonelected persons in the executive branch  
5 of state government holding a position enumerated in  
6 and within the salary ranges provided in 2008 Iowa  
7 Acts, chapter 1191, section 14, by considering, among  
8 other items, the experience of the individual in  
9 the position, changes in the duties of the position,  
10 the incumbent's performance of assigned duties, and  
11 subordinates' salaries. However, the attorney general  
12 shall establish the salary for the consumer advocate,  
13 the chief justice of the supreme court shall establish  
14 the salary for the state court administrator, the  
15 ethics and campaign disclosure board shall establish  
16 the salary of the executive director, and the Iowa  
17 public broadcasting board shall establish the salary of  
18 the administrator of the public broadcasting division  
19 of the department of education, each within the salary  
20 range provided in 2008 Iowa Acts, chapter 1191, section  
21 14.  
22 2. The governor, in establishing salaries as  
23 provided in this section, shall take into consideration  
24 other employee benefits which may be provided for an  
25 individual including but not limited to housing.  
26 3. A person whose salary is established pursuant  
27 to this section and who is a full-time, year-round  
28 employee of the state shall not receive any other  
29 remuneration from the state or from any other source  
30 for the performance of that person's duties unless  
31 the additional remuneration is first approved by the  
32 governor or authorized by law. However, this provision  
33 does not exclude the reimbursement for necessary travel  
34 and expenses incurred in the performance of duties or  
35 fringe benefits normally provided to employees of the  
36 state.  
37 Sec. 170. COLLECTIVE BARGAINING AGREEMENTS FUNDED  
38 — GENERAL FUND.  
39 1. There is appropriated from the general fund  
40 of the state to the salary adjustment fund for  
41 distribution by the department of management to the  
42 various state departments, boards, commissions,  
43 councils, and agencies, including the state board of  
44 regents, for the fiscal year beginning July 1, 2013,  
45 and ending June 30, 2014, the amount of \$41,400,000,  
46 or so much thereof as may be necessary, to fully fund  
47 annual pay adjustments, expense reimbursements, and  
48 related benefits implemented pursuant to the collective  
49 bargaining agreements and noncontract state employee  
50 provisions listed in subsection 2. As a condition of

S3218.2205 (3) 85

-56-

tm/jp

56/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 the appropriation in this subsection, all benefits for  
2 noncontract state employees shall be consistent with  
3 the benefits provided under the collective bargaining  
4 agreement that covers the greatest number of state  
5 employees.  
6 2. a. The collective bargaining agreement  
7 negotiated pursuant to chapter 20 for employees in the  
8 blue collar bargaining unit.  
9 b. The collective bargaining agreement negotiated  
10 pursuant to chapter 20 for employees in the public  
11 safety bargaining unit.  
12 c. The collective bargaining agreement negotiated  
13 pursuant to chapter 20 for employees in the security  
14 bargaining unit.  
15 d. The collective bargaining agreement negotiated  
16 pursuant to chapter 20 for employees in the technical  
17 bargaining unit.  
18 e. The collective bargaining agreement negotiated  
19 pursuant to chapter 20 for employees in the  
20 professional fiscal and staff bargaining unit.  
21 f. The collective bargaining agreement negotiated  
22 pursuant to chapter 20 for employees in the clerical  
23 bargaining unit.  
24 g. The collective bargaining agreement negotiated  
25 pursuant to chapter 20 for employees in the  
26 professional social services bargaining unit.  
27 h. The collective bargaining agreement negotiated  
28 pursuant to chapter 20 for employees in the  
29 community-based corrections bargaining unit.  
30 i. The collective bargaining agreements negotiated  
31 pursuant to chapter 20 for employees in the judicial  
32 branch of government bargaining units.  
33 j. The collective bargaining agreement negotiated  
34 pursuant to chapter 20 for employees in the patient  
35 care bargaining unit.  
36 k. The collective bargaining agreement negotiated  
37 pursuant to chapter 20 for employees in the science  
38 bargaining unit.  
39 l. The collective bargaining agreement negotiated  
40 pursuant to chapter 20 for employees in the university  
41 of northern Iowa faculty bargaining unit.  
42 m. The collective bargaining agreement negotiated  
43 pursuant to chapter 20 for employees in the state  
44 university of Iowa graduate student bargaining unit.  
45 n. The collective bargaining agreement negotiated  
46 pursuant to chapter 20 for employees in the state  
47 university of Iowa hospital and clinics tertiary health  
48 care bargaining unit.  
49 o. The annual pay adjustments, related benefits,  
50 and expense reimbursements referred to in the sections

S3218.2205 (3) 85

-57-

tm/jp

57/61



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**May 07, 2013**

1 of this division of this Act addressing noncontract  
2 state and state board of regents employees who are not  
3 covered by a collective bargaining agreement.

4     Sec. 171. NONCONTRACT STATE EMPLOYEES — GENERAL.

5     1. a. For the fiscal year beginning July 1, 2013,  
6 the maximum and minimum salary levels of all pay plans  
7 provided for in section 8A.413, subsection 3, as they  
8 exist for the fiscal year ending June 30, 2013, shall  
9 not increase.

10    b. For the fiscal year beginning July 1, 2013,  
11 employees may receive a step increase or the equivalent  
12 of a step increase.

13    c. The salary levels for noncontract judicial  
14 branch employees shall not increase.

15    2. The pay plans for state employees who are  
16 exempt from chapter 8A, subchapter IV, and who are  
17 included in the department of administrative services'  
18 centralized payroll system shall not be increased and  
19 any additional changes in any executive branch pay  
20 plans shall be approved by the governor.

21    3. This section does not apply to members of the  
22 general assembly, board members, commission members,  
23 salaries of persons set by the general assembly  
24 pursuant to this division of this Act or set by the  
25 governor, or other persons designated in the section of  
26 this division of this Act addressing appointed state  
27 officers, employees designated under section 8A.412,  
28 subsection 5, and employees covered by 11 IAC 53.6(3).

29    4. The pay plans for the bargaining eligible  
30 employees of the state shall not be increased and  
31 any additional changes in such executive branch pay  
32 plans shall be approved by the governor. As used in  
33 this section, "bargaining eligible employee" means an  
34 employee who is eligible to organize under chapter 20,  
35 but has not done so.

36    5. The policies for implementation of this section  
37 shall be approved by the governor.

38     Sec. 172. STATE EMPLOYEES — STATE BOARD OF  
39 REGENTS. For the fiscal year beginning July 1, 2013,  
40 and ending June 30, 2014, funds from the appropriation  
41 made from the general fund of the state in the section  
42 of this division of this Act providing for funding of  
43 collective bargaining agreements shall be allocated  
44 to the state board of regents for the purposes  
45 of providing increases for state board of regents  
46 employees covered by such section of this division  
47 of this Act and for state board of regents employees  
48 not covered by a collective bargaining agreement as  
49 follows:

50    1. For regents merit system employees and merit

S3218.2205 (3) 85

-58-

tm/jp

58/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 supervisory employees to fund for the fiscal year  
2 increases comparable to those provided for similar  
3 contract-covered employees in this division of this  
4 Act.

5 2. For faculty members and professional and  
6 scientific employees to fund for the fiscal year  
7 percentage increases comparable to those provided  
8 for contract-covered employees in the university of  
9 northern Iowa faculty bargaining unit.

10 Sec. 173. BONUS PAY. For the fiscal year beginning  
11 July 1, 2013, and ending June 30, 2014, employees of  
12 the executive branch, judicial branch, and legislative  
13 branch shall not receive bonus pay unless otherwise  
14 authorized by law, required pursuant to a contract  
15 of employment entered into before July 1, 2013,  
16 or required pursuant to a collective bargaining  
17 agreement. This section does not apply to employees  
18 of the state board of regents. For purposes of this  
19 section, "bonus pay" means any additional remuneration  
20 provided an employee in the form of a bonus, including  
21 but not limited to a retention bonus, recruitment  
22 bonus, exceptional job performance pay, extraordinary  
23 job performance pay, exceptional performance pay,  
24 extraordinary duty pay, or extraordinary or special  
25 duty pay, and any extra benefit not otherwise provided  
26 to other similarly situated employees.

27 Sec. 174. APPROPRIATIONS FROM ROAD FUNDS.

28 1. There is appropriated from the road use tax  
29 fund to the salary adjustment fund for the fiscal year  
30 beginning July 1, 2013, and ending June 30, 2014,  
31 the following amount, or so much thereof as may be  
32 necessary, to be used for the purpose designated:

33 To supplement other funds appropriated by the  
34 general assembly:

35 ..... \$ 565,089

36 2. There is appropriated from the primary road  
37 fund to the salary adjustment fund, for the fiscal  
38 year beginning July 1, 2013, and ending June 30, 2014,  
39 the following amount, or so much thereof as may be  
40 necessary, to be used for the purpose designated:

41 To supplement other funds appropriated by the  
42 general assembly:

43 ..... \$ 2,818,968

44 3. Except as otherwise provided in this division  
45 of this Act, the amounts appropriated in subsections 1  
46 and 2 shall be used to fund the annual pay adjustments,  
47 expense reimbursements, and related benefits for public  
48 employees as provided in this division of this Act.

49 Sec. 175. SPECIAL FUNDS — AUTHORIZATION. To  
50 departmental revolving, trust, or special funds, except

S3218.2205 (3) 85

-59-

tm/jp

59/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 for the primary road fund or the road use tax fund, for  
2 which the general assembly has established an operating  
3 budget, a supplemental expenditure authorization is  
4 provided, unless otherwise provided, in an amount  
5 necessary to fund salary adjustments as otherwise  
6 provided in this division of this Act.

7 Sec. 176. GENERAL FUND SALARY MONEYS. Funds  
8 appropriated from the general fund of the state for  
9 distribution from the salary adjustment fund in the  
10 section of this division of this Act providing for  
11 funding of collective bargaining agreements and certain  
12 noncontract state employee provisions relate only to  
13 salaries supported from general fund appropriations of  
14 the state. Funds appropriated from the general fund of  
15 the state for employees of the state board of regents  
16 relate only to salaries supported by tuition or from  
17 general fund appropriations of the state and shall  
18 exclude general university indirect costs and general  
19 university federal funds.

20 Sec. 177. FEDERAL FUNDS APPROPRIATED. For the  
21 fiscal year beginning July 1, 2013, all federal grants  
22 to and the federal receipts of the agencies affected by  
23 this division of this Act which are received and may be  
24 expended for purposes of this division of this Act are  
25 appropriated for those purposes and as set forth in the  
26 federal grants or receipts.

27 Sec. 178. STATE TROOPER MEAL ALLOWANCE. For the  
28 fiscal year beginning July 1, 2013, the sworn peace  
29 officers in the department of public safety who are not  
30 covered by a collective bargaining agreement negotiated  
31 pursuant to chapter 20 shall receive the same per  
32 diem meal allowance as the sworn peace officers in  
33 the department of public safety who are covered by a  
34 collective bargaining agreement negotiated pursuant to  
35 chapter 20.

36 Sec. 179. SALARY MODEL ADMINISTRATOR. The salary  
37 model administrator shall work in conjunction with  
38 the legislative services agency to maintain the  
39 state's salary model used for analyzing, comparing,  
40 and projecting state employee salary and benefit  
41 information, including information relating to  
42 employees of the state board of regents. The  
43 department of revenue, the department of administrative  
44 services, the five institutions under the jurisdiction  
45 of the state board of regents, the judicial district  
46 departments of correctional services, and the state  
47 department of transportation shall provide salary data  
48 to the department of management and the legislative  
49 services agency to operate the state's salary  
50 model. The format and frequency of provision of the

S3218.2205 (3) 85

-60-

tm/jp

60/61



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 salary data shall be determined by the department of  
2 management and the legislative services agency. The  
3 information shall be used in collective bargaining  
4 processes under chapter 20 and in calculating the  
5 funding needs contained within the annual salary  
6 adjustment legislation. A state employee organization  
7 as defined in section 20.3, subsection 4, may request  
8 information produced by the model, but the information  
9 provided shall not contain information attributable to  
10 individual employees.  
11 Sec. 180. 2008 Iowa Acts, chapter 1191, section 14,  
12 subsection 4, is amended to read as follows:  
13 4. The following are range 4 positions: director  
14 of the department of human rights, director of the  
15 Iowa state civil rights commission, executive director  
16 of the college student aid commission, director of  
17 the department for the blind, executive director of  
18 the ethics and campaign disclosure board, executive  
19 director of the Iowa public information board,  
20 members of the public employment relations board, and  
21 chairperson, vice chairperson, and members of the board  
22 of parole.>  
23 2. By renumbering as necessary.

---

ROBERT E. DVORSKY



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

House Amendment to  
Senate File 338

S-3224

1 Amend Senate File 338, as passed by the Senate, as  
2 follows:  
3 1. Page 1, before line 1 by inserting:  
4 <Section 1. NEW SECTION. 137G.1 Food vendor —  
5 motor vehicle — background check.  
6 1. A business that operates a motor vehicle  
7 primarily marketing the sale and dispensing of ice  
8 cream or other food products from or near the motor  
9 vehicle to children may require an applicant for  
10 employment or employee of the business to be subject to  
11 a criminal history and abuse registry record background  
12 check. The business shall perform the background check  
13 by accessing the single contact repository established  
14 under section 135C.33, subsection 6.  
15 2. The business shall inform the applicant or  
16 employee of the requirement of the background check  
17 required under subsection 1 and obtain a signed waiver  
18 from the applicant or employee prior to requesting such  
19 a check.  
20 Sec. \_\_\_\_\_. Section 235A.15, subsection 2, paragraph  
21 e, Code 2013, is amended by adding the following new  
22 subparagraph:  
23 NEW SUBPARAGRAPH. (24) To a business which is  
24 authorized to perform a background check pursuant to  
25 section 137G.1.  
26 Sec. \_\_\_\_\_. Section 235B.6, subsection 2, paragraph  
27 e, Code 2013, is amended by adding the following new  
28 subparagraph:  
29 NEW SUBPARAGRAPH. (19) To a business which is  
30 authorized to perform a background check pursuant to  
31 section 137G.1.>  
32 2. Page 1, by striking lines 5 and 6 and inserting  
33 <review the sex offender registry>  
34 3. Page 1, by striking lines 12 through 16 and  
35 inserting <district shall implement a consistent policy  
36 to follow the same procedure for each school employee  
37 employed by the school district on or after July  
38 1, 2013, at least every five years after the school  
39 employee's date of hire. A school district shall not  
40 charge>  
41 4. Page 2, after line 1 by inserting:  
42 <Sec. \_\_\_\_\_. Section 298.4, subsection 1, Code 2013,  
43 is amended by adding the following new paragraph:  
44 NEW PARAGRAPH. f. To pay the cost of background  
45 investigations under section 279.69.>  
46 5. Page 2, line 6, by striking <257.16> and  
47 inserting <257.16, or from the district management levy  
48 under section 298.4>  
49 6. Title page, line 1, after <employees> by  
50 inserting <and certain food vendors>

SF338.2216.H (1) 85

-1-

md

1/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 7. By renumbering as necessary.





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

House Amendment to  
Senate File 432

S-3225

- 1 Amend Senate File 432, as passed by the Senate, as  
2 follows:  
3 1. Page 4, after line 16 by inserting:  
4 <DIVISION \_\_\_\_\_  
5 EDUCATIONAL INSTITUTION PROPERTY TAX EXEMPTION  
6 Sec. \_\_\_\_\_. EDUCATIONAL INSTITUTION PROPERTY TAX  
7 EXEMPTION — FILING. Notwithstanding the requirement  
8 for the filing of a statement claiming the property  
9 tax exemption by February 1 as provided in section  
10 427.1, subsection 9, for the assessment year beginning  
11 January 1, 2013, the statement claiming the exemption  
12 under section 427.1, subsection 9, for property owned  
13 by an educational institution as part of its endowment  
14 fund that was acquired by the educational institution  
15 from a governmental entity after January 1, 2012, and  
16 that is located in a county having a population of  
17 at least two hundred thousand but not more than two  
18 hundred fifty thousand according to the 2010 federal  
19 decennial census, shall be filed not later than thirty  
20 days following the effective date of this division of  
21 this Act.  
22 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. This division  
23 of this Act, being deemed of immediate importance,  
24 takes effect upon enactment.  
25 Sec. \_\_\_\_\_. RETROACTIVE APPLICABILITY. This division  
26 of this Act applies retroactively to January 1, 2013,  
27 for assessment years beginning on or after that date.>  
28 2. Title page, line 4, by striking <taxes> and  
29 inserting <taxes, and including effective date and  
30 retroactive applicability provisions>  
31 3. By renumbering as necessary.

SF432.2212.H (1) 85

-1-

md

1/1



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

House Amendment to  
Senate File 436

S-3226

- 1 Amend Senate File 436, as passed by the Senate, as
- 2 follows:
- 3 1. By striking page 1, line 23, through page 2,
- 4 line 16.
- 5 2. Title page, by striking lines 2 through 4
- 6 and inserting <entertainment district tax credit by
- 7 modifying the definition of substantial rehabilitation,
- 8 the qualifications>
- 9 3. By renumbering as necessary.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

Senate File 452

S-3227

- 1 Amend the amendment, S-3223, to the House amendment,
- 2 S-3218, to Senate File 452, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 60, line 16, by striking <by tuition or>

---

ROBERT E. DVORSKY



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

Senate File 452

S-3228

1 Amend the amendment, S-3223, to the House amendment,  
2 S-3218, to Senate File 452, as amended, passed, and  
3 reprinted by the Senate, as follows:  
4 1. Page 4, before line 9 by inserting:  
5 <Sec. \_\_\_\_\_. INTRASTATE TRANSPORT OF DEER INFECTED  
6 BY CHRONIC WASTING DISEASE. Notwithstanding section  
7 484B.12 or any other provision of law to the contrary,  
8 during the fiscal year beginning July 1, 2013, the  
9 department of natural resources or the department of  
10 agriculture and land stewardship or both departments  
11 shall allow one intrastate shipment of deer infected  
12 with chronic wasting disease to be made from a location  
13 in a county with a population between 44,000 and  
14 44,200, as determined by the 2010 federal decennial  
15 census, to a location in a second county with a  
16 population between 8,700 and 8,900, as determined by  
17 the 2010 federal decennial census for the sole purpose  
18 of eradicating the chronic wasting disease positive  
19 herd in a county with a population between 44,000 and  
20 44,200, as determined by the 2010 federal decennial  
21 census. Both the originating location of the shipment  
22 and the destination location shall be chronic wasting  
23 disease infected locations.>  
24 2. By renumbering as necessary.

---

DR. JOE M. SENG

S3223.2219 (1) 85

-1-

tm/jp

1/1



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

Senate File 452

S-3229

1 Amend the Senate amendment, S-3223, to the House  
2 amendment, S-3218, to Senate File 452, as amended,  
3 passed, and reprinted by the Senate, as follows:

4 1. Page 61, after line 22 by inserting:

5 <DIVISION

6 MOTOR VEHICLE REGISTRATION FEE EQUITY

7 Sec. \_\_\_\_\_. Section 321.55, Code 2013, is amended to  
8 read as follows:

9 321.55 Registration and financial liability coverage  
10 required for certain vehicles owned or operated by  
11 nonresidents.

12 1. A nonresident owner or operator engaged in  
13 remunerative employment within the this state or  
14 carrying on business within the this state and owning  
15 or operating a motor vehicle, trailer, or semitrailer  
16 within the this state shall register and maintain  
17 financial liability coverage as required under section  
18 321.20B for each vehicle and pay the same fees for  
19 registration as are paid for like vehicles owned by  
20 residents of this state. However, this paragraph  
21 subsection does not apply to a person commuting from  
22 the person's residence in another state or whose  
23 employment is seasonal or temporary, not exceeding  
24 ninety days.

25 2. a. A nonresident owner of a motor vehicle  
26 operated within the this state by a resident of  
27 the this state shall register the vehicle and shall  
28 maintain financial liability coverage as required  
29 under section 321.20B for the vehicle. The nonresident  
30 owner shall pay the same fees for registration as are  
31 paid for like vehicles owned by residents of this  
32 state. However, registration under this paragraph is  
33 not required for vehicles being operated by residents  
34 temporarily, not exceeding for not more than ninety  
35 days. For purposes of this paragraph, a vehicle  
36 is not operated in the state temporarily, and is  
37 therefore subject to registration and the owner is  
38 required to pay the applicable fees, if the vehicle  
39 is located in Iowa for more than ninety consecutive  
40 or nonconsecutive days and is operated on an Iowa  
41 highway by an Iowa resident during that time. It is  
42 unlawful for a resident to operate within the state an  
43 unregistered motor vehicle required to be registered  
44 under this paragraph. The ninety-day temporary period  
45 of operation provided for under this paragraph does  
46 not apply to a vehicle owned by a shell business as  
47 provided in paragraph "b".

48 b. On or after July 1, 2013, if the department,  
49 in consultation with the department of revenue,  
50 determines that the nonresident owner of a vehicle is a

S3223.2228 (1) 85

-1-

dea/tm

1/3



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 partnership, limited liability company, or corporation  
2 that is a shell business, it shall be rebuttably  
3 presumed that the Iowa resident in control of the  
4 vehicle is the actual owner of the vehicle, that the  
5 vehicle is subject to registration in this state, and  
6 that payment of the fee for new registration for the  
7 vehicle is owed by the Iowa resident.  
8 (1) Factors which indicate that a partnership,  
9 limited liability company, or corporation is a shell  
10 business include but are not limited to the following:  
11 (a) The partnership, limited liability company,  
12 or corporation lacks a specific business activity or  
13 purpose.  
14 (b) The partnership, limited liability company, or  
15 corporation fails to maintain a physical location in  
16 the foreign state.  
17 (c) The partnership, limited liability company,  
18 or corporation fails to employ individual persons and  
19 provide those persons with internal revenue service  
20 form W-2 wage and tax statements.  
21 (d) The partnership, limited liability company, or  
22 corporation fails to file federal tax returns, or fails  
23 to file a required state tax return in the foreign  
24 state.  
25 (2) Factors which indicate that a person is in  
26 control of a vehicle include but are not limited to the  
27 following:  
28 (a) The person was the initial purchaser of the  
29 vehicle.  
30 (b) The person operated or stored the vehicle in  
31 Iowa for any period of time.  
32 (c) The person is a partner, member, or shareholder  
33 of the nonresident partnership, limited liability  
34 company, or corporation that purports to be the owner  
35 of the vehicle.  
36 (d) The person is insured to drive the vehicle.  
37 (3) If the department determines that the  
38 nonresident owner of a vehicle is a shell business, the  
39 department shall notify the Iowa resident in control  
40 of the vehicle in writing that the Iowa resident is  
41 required to obtain an Iowa certificate of title and  
42 registration for the vehicle and pay the fee for new  
43 registration owed for the vehicle not later than thirty  
44 days from the date of the notice.  
45 Sec. \_\_\_\_. Section 321.105A, subsection 7, Code  
46 2013, is amended to read as follows:  
47 7. *Penalty for false statement or evasion of fee.*  
48 a. A person who willfully makes a false statement  
49 in regard to the purchase price of a vehicle subject  
50 to a fee for new registration or willfully attempts

S3223.2228 (1) 85

-2-

dea/tm

2/3



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 in any manner to evade payment of the fee required by  
2 this section is guilty of a fraudulent practice. A  
3 person who willfully makes a false statement in regard  
4 to the purchase price of such a vehicle with the intent  
5 to evade payment of the fee for new registration or  
6 willfully attempts in any manner to evade payment of  
7 the fee required by this section shall be assessed  
8 a penalty of seventy-five percent of the amount of  
9 the fee unpaid and required to be paid on the actual  
10 purchase price less trade-in allowance.

11 b. An Iowa resident found to be in control of  
12 a vehicle which is owned by a shell business and  
13 for which the fee for new registration has not been  
14 paid, as provided in section 321.55, subsection 2, is  
15 guilty of a fraudulent practice. An Iowa resident  
16 found to be in control of a vehicle which is owned  
17 by a shell business and for which the fee for new  
18 registration has not been paid, as provided in section  
19 321.55, subsection 2, shall be assessed a penalty of  
20 seventy-five percent of the amount of the fee unpaid  
21 and required to be paid on the actual purchase price  
22 less trade-in allowance.

23 Sec. \_\_\_\_. REPEAL. Section 321.116, Code 2013, is  
24 repealed.

25 Sec. \_\_\_\_. APPLICABILITY — PRIOR ELECTRIC VEHICLE  
26 REGISTRATIONS.

27 1. Except as provided in subsection 2, the section  
28 of this division of this Act that repeals section  
29 321.116 applies to the registration of electric motor  
30 vehicles for registration years beginning on or after  
31 January 1, 2014.

32 2. For an annual renewal of registration for an  
33 electric motor vehicle which was registered to the  
34 same owner for a registration year beginning prior to  
35 January 1, 2014, the annual registration fee shall be  
36 according to the terms of section 321.116, Code 2013.>

37 2. By renumbering as necessary.

\_\_\_\_\_  
TOD R. BOWMAN

S3223.2228 (1) 85

-3-

dea/tm

3/3



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

Senate File 452

S-3230

- 1 Amend the amendment, S-3223, to the House amendment,
- 2 S-3218, to Senate File 452, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 4, before line 9 by inserting:
- 5 <Sec. \_\_\_\_\_. CHRONIC WASTING DISEASE. The department
- 6 of agriculture and land stewardship shall devise a plan
- 7 for the eradication of chronic wasting disease in the
- 8 state.>
- 9 2. By renumbering as necessary.

---

DR. JOE M. SENG





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

Senate File 452

S-3231

1 Amend the amendment, S-3223, to the House amendment,  
2 S-3218, to Senate File 452, as amended, passed, and  
3 reprinted by the Senate, as follows:  
4 1. Page 61, after line 22 by inserting:  
5 <DIVISION  
6 INCOME TAX EXEMPTIONS  
7 Sec. \_\_\_\_\_. Section 422.7, Code 2013, is amended by  
8 adding the following new subsection:  
9 NEW SUBSECTION. 31A. a. Subtract, to the extent  
10 included, retirement pay received by the taxpayer from  
11 the federal government for military service performed  
12 in the armed forces, the armed forces military reserve,  
13 or national guard.  
14 b. The exclusion of retirement pay under this  
15 subsection is in addition to any exclusion provided  
16 under subsection 31.  
17 Sec. \_\_\_\_\_. Section 422.7, subsection 42A, Code 2013,  
18 is amended to read as follows:  
19 42A. Subtract, to the extent included, all pay  
20 received by the taxpayer from the federal government  
21 for military service ~~performed while on active duty~~  
22 ~~status~~ in the armed forces, the armed forces military  
23 reserve, or the national guard.  
24 Sec. \_\_\_\_\_. RETROACTIVE APPLICABILITY. This division  
25 of this Act applies retroactively to January 1, 2013,  
26 for tax years beginning on or after that date.>  
27 2. By renumbering as necessary.

\_\_\_\_\_  
MARK CHELGREN

\_\_\_\_\_  
JACK WHITVER

\_\_\_\_\_  
DAN ZUMBACH

\_\_\_\_\_  
KEN ROZENBOOM

\_\_\_\_\_  
AMY SINCLAIR

S3223.2231 (3) 85

-1-

tm/jp

1/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

---

DENNIS GUTH

---

KENT SORENSON

---

TIM L. KAPUCIAN

---

HUBERT HOUSER

---

NANCY J. BOETTGER

---

BRAD ZAUN

---

BILL ANDERSON



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

Senate File 452

S-3232

1 Amend the amendment, S-3223, to the House amendment,  
2 S-3218, to Senate File 452, as amended, passed, and  
3 reprinted by the Senate, as follows:  
4 1. Page 61, after line 22 by inserting:  
5 <DIVISION \_\_\_\_\_  
6 VERIFICATION OF SOCIAL SECURITY NUMBERS — DEPARTMENT  
7 OF HUMAN SERVICES PUBLIC PROGRAMS  
8 Sec. \_\_\_\_\_. VERIFICATION OF SOCIAL SECURITY NUMBERS  
9 — DEPARTMENT OF HUMAN SERVICES PUBLIC PROGRAMS. The  
10 department of human services shall adopt rules to  
11 require that any program supported by public funds  
12 under the department of human services shall require  
13 verification by state or local staff, as applicable,  
14 of the social security number of any applicant for  
15 program services. The department shall incorporate the  
16 verification requirement into all application processes  
17 in the most cost-effective manner.>  
18 2. By renumbering as necessary.

---

MARK CHELGREN

S3223.2232 (2) 85

-1-

tm/jp

1/1



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

House Amendment to  
Senate File 371

S-3233

1 Amend Senate File 371, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 2, lines 4 and 5, by striking <corporation  
4 which is exempt from taxation under section 501(c)(3)>  
5 and inserting <entity which is exempt from federal  
6 income taxation pursuant to section 501(c)>



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

Senate File 452

S-3234

- 1 Amend the amendment, S-3223, to the House amendment,  
2 S-3218, to Senate File 452, as amended, passed, and  
3 reprinted by the Senate, as follows:  
4 1. Page 61, after line 22 by inserting:  
5 <DIVISION \_\_\_\_\_  
6 PUBLIC ASSISTANCE — SUBSTANCE ABUSE SCREENING  
7 Sec. \_\_\_\_\_. NEW SECTION. 217.14 Public assistance  
8 programs — substance abuse screening.  
9 1. For the purposes of this section, unless the  
10 context otherwise requires:  
11 a. "Department" means the department of human  
12 services.  
13 b. "Public assistance program" means the food  
14 assistance program or other food programs under chapter  
15 234, the family investment program under chapter 239B,  
16 or the medical assistance program under chapter 249A.  
17 c. "Substance abuse screening program" or "screening  
18 program" means the substance abuse screening program  
19 administered pursuant to this section.  
20 2. As a condition of eligibility for an adult  
21 applicant or adult participant to receive public  
22 assistance program benefits, the applicant or  
23 participant shall, if not otherwise prohibited by state  
24 or federal law, agree to participate in the substance  
25 abuse screening program.  
26 3. The department shall design and implement a  
27 substance abuse screening program for adult applicants  
28 for and adult participants in public assistance  
29 programs. To the extent authorized under applicable  
30 federal requirements, the program shall include but is  
31 not limited to all of the following elements:  
32 a. Periodic screening of the applicant's or  
33 participant's blood or urine for the presence of a  
34 controlled substance.  
35 b. A blood or urine screening is performed prior to  
36 the applicant's initial receipt of public assistance.  
37 c. A subsequent blood or urine screening of a  
38 participant is performed at least annually with random  
39 assignment of a month in which the participant is  
40 required to submit to the screening upon receipt of  
41 notice from the department.  
42 d. The results of the blood or urine screening  
43 shall not be admissible in any criminal proceeding  
44 without the consent of the person subject to the  
45 screening.  
46 e. Provision for the cost of the blood or urine  
47 screening to be deducted from the public assistance  
48 program benefits payable to the applicant or  
49 participant.  
50 f. Other design, operation, and standards

S3223.2234 (2) 85

-1-

jp/tm

1/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 provisions adopted in rule to ensure the program is  
2 implemented in a fair and economical manner.  
3 4. An adult applicant or adult participant shall be  
4 ineligible for public assistance program benefits if  
5 any of the following is applicable:  
6 a. The applicant or participant does not  
7 participate in the substance abuse screening program.  
8 b. The applicant or participant tests positive in a  
9 substance abuse test administered under the screening  
10 program for the presence of either of the following:  
11 (1) A substance listed in schedule I under section  
12 124.204.  
13 (2) A substance listed in schedule II, III, or  
14 IV under chapter 124 that was not prescribed for the  
15 applicant or participant.  
16 c. The applicant or participant tests positive in a  
17 substance abuse test administered under the screening  
18 program and tests positive in or fails to take a  
19 confirmatory test administered within two weeks of the  
20 initial test.  
21 5. An applicant or recipient ineligible for public  
22 assistance benefits under subsection 4 may reapply for  
23 the benefits upon successful completion of a substance  
24 abuse treatment program approved by the department.>  
25 2. By renumbering as necessary.

---

MARK CHELGREN

---

BILL ANDERSON

---

MICHAEL BREITBACH

---

KENT SORENSON

---

JACK WHITVER

---

AMY SINCLAIR

S3223.2234 (2) 85

-2-

jp/tm

2/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

Senate File 452

S-3235

- 1 Amend the amendment, S-3223, to the House amendment,  
2 S-3218, to Senate File 452, as amended, passed, and  
3 reprinted by the Senate, as follows:  
4 1. Page 4, after line 8 by inserting:  
5 <Sec. \_\_\_\_\_. Section 3.1, subsection 1, Code 2013, is  
6 amended by adding the following new paragraph:  
7 NEW PARAGRAPH. d. Shall include a concise and  
8 definite statement of the authority under the Iowa  
9 constitution relied upon for the enactment of the  
10 bill.>  
11 2. By renumbering as necessary.

---

RICK BERTRAND

---

KENT SORENSON



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

Senate File 452

S-3236

1 Amend the amendment, S-3223, to the House amendment,  
2 S-3218, to Senate File 452, as amended, passed, and  
3 reprinted by the Senate, as follows:  
4 1. Page 61, after line 22 by inserting:  
5 <DIVISION \_\_\_\_\_  
6 EDUCATION SAVINGS GRANTS  
7 Sec. \_\_\_\_\_. Section 256.7, Code 2013, is amended by  
8 adding the following new subsection:  
9 NEW SUBSECTION. 33. Adopt rules relating to  
10 applications for an education savings grant pursuant  
11 to section 257.11B, including application processing  
12 timelines and information required to be submitted by a  
13 parent or guardian.  
14 Sec. \_\_\_\_\_. NEW SECTION. 257.11B Education savings  
15 grant program.  
16 1. Pupils eligible to enroll in grades kindergarten  
17 through twelve and attending a nonpublic school or  
18 receiving competent private instruction under chapter  
19 299A shall be eligible to receive an education savings  
20 grant in the manner provided in this section for school  
21 years beginning on or after July 1, 2014. Education  
22 savings grants shall be made available to parents and  
23 guardians in the manner authorized under subsection 4,  
24 paragraph "c", for the payment of qualified education  
25 expenses as provided in this section.  
26 2. a. (1) By January 31 preceding the school year  
27 for which the education savings grant is requested, the  
28 parent or guardian of the pupil requesting to receive  
29 an education savings grant shall submit an application  
30 to the department of education, on application forms  
31 developed by the department, indicating that the parent  
32 or guardian intends to enroll the pupil in a nonpublic  
33 school or provide competent private instruction for the  
34 pupil under chapter 299A.  
35 (2) In addition to such information deemed  
36 appropriate by the department of education, the  
37 application shall require certification from the  
38 nonpublic school of the pupil's enrollment for the  
39 following school year or a statement indicating the  
40 parent or guardian's intent to provide or arrange for  
41 competent private instruction for the pupil for the  
42 following school year.  
43 b. By March 1 preceding the school year for  
44 which the education savings grant is requested, the  
45 department of education shall notify the department  
46 of management of the number of pupils in each school  
47 district designated for the following school year  
48 to receive an education savings grant and the amount  
49 of the education savings grant for each pupil. The  
50 department of education shall also notify the parent

S3223.2233 (1) 85

-1-

tm/jp

1/5





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 or guardian of such pupils who are approved to receive  
2 an education savings grant.  
3     *c.* Education savings grants shall only be approved  
4 for one school year and applications must be submitted  
5 under paragraph "*a*" for education savings grants in  
6 subsequent school years.  
7     3. *a.* The department of management shall assign  
8 each pupil an education savings grant in an amount  
9 equal to the statewide average state foundation aid per  
10 pupil in the same school year.  
11     *b.* The department of management shall on July  
12 1 following the determination of the amount of the  
13 education savings grant for each approved pupil  
14 transfer such amounts to the pupil's account in  
15 the education savings grant fund established under  
16 subsection 4. Such amount shall be available to the  
17 pupil's parent or guardian in the manner authorized  
18 under subsection 4, paragraph "*c*", for the payment of  
19 qualified educational expenses incurred by such persons  
20 for the pupil during that school year.  
21     4. An education savings grant fund is created in  
22 the state treasury under the control of the department  
23 of management consisting of moneys appropriated to  
24 the department for the purpose of providing education  
25 savings grants under this section. For the fiscal  
26 year commencing July 1, 2014, and each succeeding  
27 fiscal year, there is appropriated from the general  
28 fund of the state to the department of management to  
29 be credited to the fund the amount necessary to pay  
30 all education savings grants approved for that fiscal  
31 year. The director of the department of management has  
32 all powers necessary to carry out and effectuate the  
33 purposes, objectives, and provisions of this section  
34 pertaining to the fund, including the power to do all  
35 of the following:  
36     *a.* Make and enter into contracts necessary for the  
37 administration of the fund.  
38     *b.* Procure insurance against any loss in connection  
39 with the assets of the fund or require a surety bond.  
40     *c.* Contract with a private financial management  
41 firm to manage the fund, in collaboration with the  
42 treasurer of state, including providing for the  
43 disbursement of education savings grants in the form  
44 of an electronic debit card or checks that are payable  
45 directly from the pupil's account within the fund.  
46     *d.* Conduct audits or other review necessary to  
47 properly administer the program.  
48     *e.* Adopt rules pursuant to chapter 17A for the  
49 administration of the fund and accounts within the  
50 fund.

S3223.2233 (1) 85

-2-

tm/jp

2/5



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 5. a. For each pupil approved for an education  
2 savings grant, the department shall establish an  
3 account for that pupil in the education savings grant  
4 fund. The amount of the pupil's education savings  
5 grant determined under subsection 3 shall be deposited  
6 into the pupil's account on July 1 and such amount  
7 shall be immediately available for the payment of  
8 qualified education expenses incurred by the parent or  
9 guardian for the pupil during that fiscal year using  
10 the payment method authorized under subsection 4,  
11 paragraph "c".

12 b. A nonpublic school or other entity that accepts  
13 payment from a parent or guardian using funds from a  
14 pupil's account in the education savings grant fund  
15 shall not refund, rebate, or share any portion of such  
16 payment with the parent, guardian, or pupil.

17 c. Moneys remaining in a pupil's account upon  
18 conclusion of the fiscal year shall remain in the  
19 pupil's account within the education savings grant  
20 fund for the payment of qualified educational expenses  
21 in future fiscal years or for the payment of higher  
22 education costs under subsection 8.

23 6. For purposes of this section, "*qualified*  
24 *educational expense*" includes tuition and fees at a  
25 nonpublic school, textbooks, fees or payments for  
26 tutoring or cognitive skills training, curriculum  
27 materials, tuition or fees for nonpublic online  
28 education programs, education materials and services  
29 for pupils with disabilities, standardized test fees,  
30 fees required by the department not to exceed for each  
31 grant recipient five percent of the total grant amount  
32 in any fiscal year, and other expenses incurred by the  
33 parent or guardian that are directly related to the  
34 education of the pupil at a nonpublic school, including  
35 a nonpublic school accredited by an independent  
36 accrediting agency approved by the department of  
37 education, or directly related to providing competent  
38 private instruction for the pupil under chapter 299A.  
39 The cost of one computer or other portable computing  
40 device shall be allowed as a qualified educational  
41 expense for a pupil if such a purchase has not been  
42 made using funds from that pupil's account in either of  
43 the two immediately preceding fiscal years. "*Qualified*  
44 *educational expenses*" do not include transportation  
45 costs for the pupil, the cost of food or refreshments  
46 consumed by the pupil, the cost of clothing for the  
47 pupil, or the cost of disposable materials including  
48 but not limited to paper, notebooks, pencils, pens, and  
49 art supplies.

50 7. A person who makes a false claim for the purpose

S3223.2233 (1) 85

-3-

tm/jp

3/5



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**May 07, 2013**

1 of obtaining an education savings grant provided for  
2 in this section or who knowingly receives the grant or  
3 makes a payment from an account within the education  
4 savings grant fund without being legally entitled to it  
5 is guilty of a fraudulent practice. The false claim  
6 for an education savings grant or a payment from an  
7 account shall be disallowed and if amounts from the  
8 grant have been disbursed from the applicable account  
9 in the education savings grant fund, the department of  
10 management shall initiate legal proceedings to recover  
11 such amounts. A parent or guardian, or a pupil for  
12 purposes of subsection 8, who violates this subsection  
13 is prohibited from participating in the education  
14 savings grant program in the future.

15 8. For each pupil with a positive balance in the  
16 pupil's account in the education savings grant fund  
17 upon graduation from high school or completion of an  
18 equivalent level of competent private instruction  
19 under chapter 299A, the department of management shall  
20 maintain such account in the fund until the pupil is  
21 twenty-five years of age. Following graduation from  
22 high school until the pupil is twenty-five years of  
23 age, moneys in the pupil's account may be used for  
24 higher education costs, as defined in section 12D.1,  
25 subsection 2, incurred by the pupil while attending an  
26 institution of higher education under the control of  
27 the state board of regents, a community college located  
28 in this state, or a private college or university  
29 located in this state. Payments from a pupil's account  
30 for higher education costs shall be made in the same  
31 manner as payments for qualified educational expenses  
32 under subsection 5. Moneys in a pupil's account  
33 when the pupil turns twenty-five years of age shall  
34 be transferred by the department for deposit in the  
35 general fund of the state.

36 9. This section shall not be construed to authorize  
37 this state or any political subdivision of this state  
38 to exercise authority over any nonpublic school or  
39 pupil receiving competent private instruction under  
40 chapter 299A or construed to require a nonpublic school  
41 to modify its admissions or educational program in  
42 order to receive payment from a parent or guardian  
43 using funds from a pupil's account in the education  
44 savings grant fund. A nonpublic school or entity  
45 providing competent private instruction under chapter  
46 299A, that accepts payment from a parent or guardian  
47 using funds from a pupil's account in the education  
48 savings grant fund is not an agent of this state or  
49 other political subdivision of this state. Rules  
50 adopted by the department to implement this section

S3223.2233 (1) 85

-4-

tm/jp

4/5



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 that impose an undue burden on a nonpublic school or  
2 entity providing competent private instruction under  
3 chapter 299A are invalid.

4 Sec. \_\_\_\_\_. APPLICABILITY. This division of this  
5 Act applies to school budget years and fiscal years  
6 beginning on or after July 1, 2014.>

7 2. By renumbering as necessary.

---

JERRY BEHN



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

Senate File 452

S-3237

1 Amend the amendment, S-3223, to the House amendment,  
2 S-3218, to Senate File 452, as amended, passed, and  
3 reprinted by the Senate, as follows:  
4 1. Page 4, after line 2 by inserting:  
5 <Sec. \_\_\_\_\_. EXPANSION OF LAKE CAPACITY —  
6 APPROPRIATION. There is appropriated from the  
7 general fund of the state to the department of natural  
8 resources for the fiscal year beginning July 1, 2013,  
9 and ending June 30, 2014, the following amount, or  
10 so much thereof as is necessary, to be used for the  
11 purposes designated:  
12 For the public purpose of distribution to a  
13 municipal water utility for expanding the capacity of a  
14 lake that serves as the primary water source for a city  
15 with a population between 5,189 and 6,010 as determined  
16 by the 2010 federal decennial census:  
17 ..... \$ 1,000,000  
18 The moneys appropriated in this section shall be  
19 matched by the recipient of the distributed moneys.>  
20 2. By renumbering as necessary.

---

JACK HATCH

S3223.2238 (1) 85

-1-

tm/jp

1/1



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**May 07, 2013**

Senate File 452

S-3238

- 1 Amend the amendment, S-3223, to the House amendment,  
2 S-3218, to Senate File 452, as amended, passed, and  
3 reprinted by the Senate, as follows:  
4 1. Page 4, before line 9 by inserting:  
5 <Sec. \_\_\_\_\_. CHRONIC WASTING DISEASE. The department  
6 of agriculture and land stewardship and the department  
7 of natural resources shall jointly devise a plan for  
8 the eradication of chronic wasting disease in the  
9 state.>  
10 2. By renumbering as necessary.

---

DR. JOE M. SENG



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

Senate File 452

S-3239

1 Amend the amendment, S-3223, to the House amendment,  
2 S-3218, to Senate File 452, as amended, passed, and  
3 reprinted by the Senate, as follows:  
4 1. Page 4, after line 8 by inserting:  
5 <Sec. \_\_\_\_ TASK FORCE — DEPARTMENT OF EDUCATION.  
6 1. There is established within the department of  
7 education a personal financial literacy task force to  
8 study the implementation of personal financial literacy  
9 requirements as a high school graduation requirement.  
10 2. The task force shall consist of eleven voting  
11 members designated by the department. At least five  
12 voting members shall have a background in education and  
13 at least five voting members shall have a background  
14 in finance.  
15 3. The task force shall include four ex officio,  
16 nonvoting members consisting of the following:  
17 a. Two state senators, one appointed by the  
18 majority leader of the senate and one appointed by the  
19 minority leader of the senate from their respective  
20 parties.  
21 b. Two state representatives, one appointed by the  
22 speaker and one appointed by the minority leader of the  
23 house of representatives from their respective parties.  
24 4. By November 13, 2013, the task force shall  
25 file a report with the general assembly regarding the  
26 findings and recommendations of the task force.  
27 5. Members of the task force shall be reimbursed  
28 for mileage expenses incurred while engaged in the  
29 performance of official duties and shall receive per  
30 diem compensation by the department. Mileage expenses  
31 reimbursement and per diem compensation shall not  
32 exceed a total of \$10,000 for the task force.>  
33 2. By renumbering as necessary.

---

TOD R. BOWMAN

---

ROBY SMITH

S3223.2244 (2) 85

-1-

tm/jp

1/1



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

Senate File 452

S-3240

1 Amend the amendment, S-3223, to the House amendment,  
2 S-3218, to Senate File 452, as amended, passed, and  
3 reprinted by the Senate, as follows:  
4 1. Page 5, before line 47 by inserting:  
5 <Sec. \_\_\_\_\_. Section 261.12, subsection 1, Code 2013,  
6 is amended to read as follows:  
7 1. The amount of a tuition grant to a qualified  
8 full-time student for the fall and spring semesters, or  
9 the trimester equivalent, shall be the amount of the  
10 student's financial need for that period. However, a  
11 tuition grant shall not exceed the ~~lesser of:~~  
12 ~~a. The total tuition and mandatory fees for that~~  
13 ~~student for two semesters or the trimester or quarter~~  
14 ~~equivalent, less the base amount determined annually~~  
15 ~~by the college student aid commission, which base~~  
16 ~~amount shall be within ten dollars of the average~~  
17 ~~tuition for two semesters or the trimester equivalent~~  
18 ~~of undergraduate study at the state universities under~~  
19 ~~the board of regents, but in any event the base amount~~  
20 ~~shall not be less than four hundred dollars; or~~  
21 ~~b. For the fiscal year beginning July 1, 2000, and~~  
22 ~~for each following fiscal year, four thousand dollars.>~~  
23 2. By renumbering as necessary.

---

RANDY FEENSTRA

S3223.2240 (2) 85

-1-

tm/jp

1/1





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

Senate File 452

S-3241

1 Amend the amendment, S-3223, to the House amendment,  
2 S-3218, to Senate File 452, as amended, passed, and  
3 reprinted by the Senate, as follows:

4 1. Page 61, before line 23 by inserting:

5 <DIVISION \_\_\_\_\_  
6 EMINENT DOMAIN

7 Sec. \_\_\_\_\_. NEW SECTION. 6A.15 Property on state  
8 historic registry.

9 1. Property listed on the state register of  
10 historic places maintained by the historical division  
11 of the department of cultural affairs shall not be  
12 removed from the register solely for the purpose of  
13 allowing acquisition of the property by condemnation,  
14 unless such condemnation is undertaken by the  
15 department of transportation.

16 2. Property listed on the state register of  
17 historic places maintained by the historical division  
18 of the department of cultural affairs shall not be  
19 condemned by the state or a political subdivision  
20 unless a joint resolution authorizing commencement of  
21 the condemnation proceedings is approved by a vote of  
22 at least two-thirds of the members of both chambers  
23 of the general assembly and signed by the governor.  
24 The approval requirements of this subsection shall not  
25 apply to condemnation undertaken by the department of  
26 transportation.

27 Sec. \_\_\_\_\_. Section 6A.19, Code 2013, is amended to  
28 read as follows:

29 **6A.19 Interpretative clause.**

30 A grant in this chapter of right to take private  
31 property for a public use shall not be construed as  
32 limiting a like grant elsewhere in the Code for another  
33 and different use. Unless specifically provided by  
34 law, this chapter shall not be construed to limit or  
35 otherwise affect the application of chapters 478 and  
36 479 to the eminent domain authority of the utilities  
37 division of the department of commerce.

38 Sec. \_\_\_\_\_. Section 6A.22, subsection 2, paragraph  
39 c, subparagraph (1), Code 2013, is amended to read as  
40 follows:

41 (1) (a) If private property is to be condemned for  
42 development or creation of a lake, only that number  
43 of acres justified as reasonable and necessary for  
44 a surface drinking water source, and not otherwise  
45 acquired, may be condemned. In addition, the acquiring  
46 agency shall conduct a review of prudent and feasible  
47 alternatives to provision of a drinking water source  
48 prior to making a determination that such lake  
49 development or creation is reasonable and necessary.  
50 Development or creation of a lake as a surface drinking

S3223.2246 (2) 85

-1-

tm/jp

1/6



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 water source includes all of the following:  
2 (i) Construction of the dam, including sites for  
3 suitable borrow material and the auxiliary spillway.  
4 (ii) The water supply pool.  
5 (iii) The sediment pool.  
6 (iv) The flood control pool.  
7 (v) The floodwater retarding pool.  
8 (vi) The surrounding area upstream of the dam  
9 no higher in elevation than the top of the dam's  
10 elevation.  
11 (vii) The appropriate setback distance required  
12 by state or federal laws and regulations to protect  
13 drinking water supply.  
14 (b) For purposes of this subparagraph (1), "*number*  
15 *of acres justified as reasonable and necessary for*  
16 *a surface drinking water source*" means according to  
17 guidelines of the United States natural resource  
18 conservation service and according to analyses of  
19 surface drinking water capacity needs conducted  
20 by one or more registered professional engineers.  
21 The registered professional engineers may, if  
22 appropriate, employ standards or guidelines other  
23 than the guidelines of the United States natural  
24 resource conservation service when determining the  
25 number of acres justified as reasonable and necessary  
26 for a surface drinking water source. The data and  
27 information used by the registered professional  
28 engineers shall include data and information relating  
29 to population and commercial enterprise activity for  
30 the area from the two most recent federal decennial  
31 censuses unless the district court of the county in  
32 which the property is situated has determined by a  
33 preponderance of the evidence that such data would  
34 not accurately predict the population and commercial  
35 enterprise activity of the area in the future.  
36 (c) A second review or analysis of the drinking  
37 water capacity needs shall be performed upon receipt  
38 by the acquiring agency of a petition signed by not  
39 less than twenty-five percent of the affected property  
40 owners. The registered professional engineer to  
41 perform the second review or analysis shall be selected  
42 by a committee appointed by the affected property  
43 owners and whose membership is comprised of at least  
44 fifty percent property owners affected by the proposed  
45 condemnation action. The acquiring agency shall be  
46 responsible for paying the fees and expenses of such  
47 an engineer.  
48 (d) If private property is to be condemned for  
49 development or creation of a lake, the plans, analyses,  
50 applications, including any application for funding,

S3223.2246 (2) 85

-2-

tm/jp

2/6



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 and other planning activities of the acquiring agency  
2 shall not include or provide for the use of the lake  
3 for recreational purposes.

4 Sec. \_\_\_\_\_. Section 6B.54, subsection 10, paragraph  
5 a, Code 2013, is amended by adding the following new  
6 subparagraph:

7 NEW SUBPARAGRAPH. (3) Reasonable attorney fees and  
8 reasonable costs not to exceed one hundred thousand  
9 dollars, attributable to a determination that the  
10 creation of a lake through condemnation includes a  
11 future recreational use or that a violation of section  
12 6A.22, subsection 2, paragraph "c", subparagraph (1),  
13 subparagraph division (d), has occurred, if such fees  
14 and costs are not otherwise provided under section  
15 6B.33.

16 Sec. \_\_\_\_\_. NEW SECTION. 6B.56B Disposition of  
17 condemned property — two-year time period.

18 1. When two years have elapsed since property  
19 was condemned for the creation of a lake according  
20 to the requirements of section 6A.22, subsection 2,  
21 paragraph "c", subparagraph (1), and the property has  
22 not been used for or construction has not progressed  
23 substantially from the date the property was condemned  
24 for the purpose stated in the application filed  
25 pursuant to section 6B.3, and the acquiring agency has  
26 not taken action to dispose of the property pursuant  
27 to section 6B.56, the acquiring agency shall, within  
28 sixty days, adopt a resolution offering the property  
29 for sale to the prior owner at a price as provided in  
30 section 6B.56. If the resolution adopted approves an  
31 offer of sale to the prior owner, the offer shall be  
32 made in writing and mailed by certified mail to the  
33 prior owner. The prior owner has one hundred eighty  
34 days after the offer is mailed to purchase the property  
35 from the acquiring agency.

36 2. If the acquiring agency has not adopted a  
37 resolution described in subsection 1 within the  
38 sixty-day time period, the prior owner may, in writing,  
39 petition the acquiring agency to offer the property  
40 for sale to the prior owner at a price as provided in  
41 section 6B.56. Within sixty days after receipt of  
42 such a petition, the acquiring agency shall adopt a  
43 resolution described in subsection 1. If the acquiring  
44 agency does not adopt such a resolution within sixty  
45 days after receipt of the petition, the acquiring  
46 agency is deemed to have offered the property for sale  
47 to the prior owner.

48 3. The acquiring agency shall give written notice  
49 to the owner of the right to purchase the property  
50 under this section at the time damages are paid to the

S3223.2246 (2) 85

-3-

tm/jp

3/6



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 owner.

2 Sec. \_\_\_\_\_. Section 403.7, subsection 1, unnumbered  
3 paragraph 1, Code 2013, is amended to read as follows:

4 A municipality shall have the right to acquire by  
5 condemnation any interest in real property, including a  
6 fee simple title thereto, which it may deem necessary  
7 for or in connection with an urban renewal project  
8 under this chapter, subject to the limitations on  
9 eminent domain authority in ~~chapter~~ chapters 6A and 6B.  
10 However, a municipality shall not condemn agricultural  
11 land included within an economic development area  
12 for any use unless the owner of the agricultural land  
13 consents to condemnation or unless the municipality  
14 determines that the land is necessary or useful for any  
15 of the following:

16 Sec. \_\_\_\_\_. NEW SECTION. 423B.11 Use of revenues —  
17 limitation.

18 The revenue raised by a local sales and services  
19 tax imposed under this chapter by a county shall not  
20 be expended for any purpose related to a project that  
21 includes the condemnation of private property for  
22 the creation of a lake according to the requirements  
23 of section 6A.22, subsection 2, paragraph "c",  
24 subparagraph (1), if the local sales and services tax  
25 has not been approved at election in the area where the  
26 property to be condemned is located.

27 Sec. \_\_\_\_\_. Section 455A.5, Code 2013, is amended by  
28 adding the following new subsection:

29 NEW SUBSECTION. 7. The authority granted to the  
30 commission to acquire real property for purposes  
31 of carrying out a duty related to development or  
32 maintenance of the recreation resources of the state,  
33 including planning, acquisition, and development of  
34 recreational projects, and areas and facilities related  
35 to such projects, shall not include the authority to  
36 acquire real property by eminent domain.

37 Sec. \_\_\_\_\_. Section 456A.24, subsection 2, unnumbered  
38 paragraph 1, Code 2013, is amended to read as follows:

39 Acquire by purchase, ~~condemnation~~, lease, agreement,  
40 gift, and devise lands or waters suitable for the  
41 purposes hereinafter enumerated, and rights-of-way  
42 thereto, and to maintain the same for the following  
43 purposes, ~~to-wit:~~

44 Sec. \_\_\_\_\_. Section 456A.24, Code 2013, is amended by  
45 adding the following new subsection:

46 NEW SUBSECTION. 15. The authority granted the  
47 department to acquire real property for any statutory  
48 purpose relating to the development or maintenance  
49 of the recreation resources of the state, including  
50 planning, acquisition, and development of recreational

S3223.2246 (2) 85

-4-

tm/jp

4/6



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 projects, and areas and facilities related to such  
2 projects, shall not include the authority to acquire  
3 real property by eminent domain.

4 Sec. \_\_\_\_\_. Section 461A.7, Code 2013, is amended to  
5 read as follows:

6 **461A.7 Eminent domain Purchase of lands — public**  
7 **parks.**

8 The commission may purchase ~~or condemn~~ lands from  
9 willing sellers for public parks. ~~No~~ A contract for  
10 the purchase of such public parks shall not be made to  
11 an amount in excess of funds appropriated therefor by  
12 the general assembly.

13 Sec. \_\_\_\_\_. Section 461A.10, Code 2013, is amended to  
14 read as follows:

15 **461A.10 Title to lands.**

16 The title to all lands purchased, ~~condemned~~, or  
17 donated, hereunder, for park ~~or highway~~ purposes and  
18 the title to all lands purchased, ~~condemned~~, or donated  
19 hereunder for highway purposes, shall be taken in the  
20 name of the state and if thereafter it shall be deemed  
21 advisable to sell any portion of the land so purchased  
22 or condemned, the proceeds of such sale shall be placed  
23 to the credit of the ~~said~~ public state parks fund to be  
24 used for such park purposes.

25 Sec. \_\_\_\_\_. Section 463C.8, subsection 1, paragraph  
26 k, Code 2013, is amended to read as follows:

27 k. The power to acquire, own, hold, administer,  
28 and dispose of property, except that such power is not  
29 a grant of authority to acquire property by eminent  
30 domain.

31 Sec. \_\_\_\_\_. REPEAL. Sections 461A.9 and 461A.75,  
32 Code 2013, are repealed.

33 Sec. \_\_\_\_\_. SEVERABILITY. If any provision of this  
34 division of this Act is held invalid, the invalidity  
35 shall not affect other provisions or applications of  
36 this division of this Act which can be given effect  
37 without the invalid provision, and to this end the  
38 provisions of this division of this Act are severable  
39 as provided in section 4.12.

40 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. This division  
41 of this Act, being deemed of immediate importance,  
42 takes effect upon enactment.

43 Sec. \_\_\_\_\_. APPLICABILITY. Except as otherwise  
44 provided in this division of this Act, this division  
45 of this Act applies to projects or condemnation  
46 proceedings pending or commenced on or after the  
47 effective date of this division of this Act.

48 Sec. \_\_\_\_\_. RETROACTIVE APPLICABILITY.  
49 Notwithstanding any provision of law to the contrary,  
50 the following provisions of this division of this



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 Act apply retroactively to projects or condemnation  
2 proceedings pending or commenced on or after February  
3 15, 2013:  
4 1. The section amending section 6A.22.  
5 2. The section enacting section 6B.56B.>  
6 2. By renumbering as necessary.

---

MARK CHELGREN

---

JAKE CHAPMAN

---

RICK BERTRAND

---

JACK WHITVER

---

JONI ERNST

---

KENT SORENSON



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

Senate File 452

S-3242

1 Amend the amendment, S-3223, to the House amendment,  
2 S-3218, to Senate File 452, as amended, passed, and  
3 reprinted by the Senate, as follows:  
4 1. Page 61, after line 22 by inserting:  
5 <DIVISION  
6 VOTER IDENTIFICATION REQUIREMENTS  
7 Sec. \_\_\_\_\_. Section 39A.2, subsection 1, paragraph  
8 b, Code 2013, is amended by adding the following new  
9 subparagraph:  
10 NEW SUBPARAGRAPH. (6) Falsely swears to an oath  
11 required pursuant to section 49.77, subsection 3, or  
12 an affidavit pursuant to section 49.81, subsection 5,  
13 paragraph "b".  
14 Sec. \_\_\_\_\_. Section 48A.7A, subsection 1, paragraph  
15 a, Code 2013, is amended to read as follows:  
16 a. A person who is eligible to register to vote  
17 and to vote may register on election day by appearing  
18 in person at the polling place for the precinct in  
19 which the individual resides and completing a voter  
20 registration application, making written oath, and  
21 providing proof of identity and residence proof of  
22 residence pursuant to paragraph "b".  
23 Sec. \_\_\_\_\_. Section 48A.7A, subsection 1, paragraph  
24 b, Code 2013, is amended by striking the paragraph and  
25 inserting in lieu thereof the following:  
26 b. (1) For purposes of this section, a person may  
27 establish identity by showing proof of identification  
28 as required in section 49.77, subsection 3.  
29 (2) For purposes of this section, a person may  
30 establish residence using a proof of identification  
31 document described in section 49.77, subsection 3,  
32 paragraph "b", if the proof of identification contains  
33 the person's current address in the precinct. If the  
34 proof of identification does not contain the person's  
35 current address in the precinct, the person shall also  
36 present one of the following documents that shows the  
37 person's name and current address in the precinct:  
38 (a) Utility bill.  
39 (b) Bank statement.  
40 (c) Paycheck.  
41 (d) Government check.  
42 (e) Other government document.  
43 Sec. \_\_\_\_\_. Section 48A.7A, subsections 2 and 3, Code  
44 2013, are amended to read as follows:  
45 2. The oath required in subsection 1, paragraph  
46 "a", and in paragraph "c", if applicable, shall be  
47 executed on the same piece of paper and attached to the  
48 voter registration application.  
49 3. At any time before election day, and after the  
50 deadline for registration in section 48A.9, a person

S3223.2222 (2) 85

-1-

tm/jp

1/10



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 who appears in person at the commissioner's office or  
2 at a satellite absentee voting station or whose ballot  
3 is delivered to a health care facility pursuant to  
4 section 53.22 may register to vote and vote an absentee  
5 ballot by following the procedure in this section  
6 for registering to vote on election day. A person  
7 who wishes to vote in person at the polling place on  
8 election day and who has not registered to vote before  
9 the deadline for registering in section 48A.9, is  
10 required to register to vote at the polling place on  
11 election day following the procedure in this section.  
12 However, the person may complete the voter registration  
13 application at the commissioner's office and, after the  
14 commissioner has reviewed the completed application,  
15 may present the application to the appropriate precinct  
16 election official along with proof of ~~identity and~~  
17 ~~residency~~ identification and proof of residence.

18 Sec. \_\_\_\_\_. Section 48A.8, subsection 2, unnumbered  
19 paragraph 1, Code 2013, is amended to read as follows:

20 An eligible elector who registers by mail and who  
21 has not previously voted in an election for federal  
22 office in the county of registration shall be required  
23 to provide additional identification documents when  
24 voting for the first time in the county, unless the  
25 registrant provided on the registration form the  
26 registrant's Iowa driver's license number, or the  
27 registrant's Iowa nonoperator's identification card  
28 number, or the last four numerals of the registrant's  
29 social security number and the driver's license,  
30 nonoperator's identification, or partial social  
31 security number matches an existing state or federal  
32 identification record with the same number, name, and  
33 date of birth. If the registrant is required to show  
34 additional identification under this subsection and  
35 votes in person at the polls, or by absentee ballot  
36 at the commissioner's office or at a satellite voting  
37 station, the registrant shall provide a current and  
38 valid photo identification card, or shall present to  
39 the appropriate election official one of the following  
40 current documents that shows the name and address of  
41 the registrant:

42 Sec. \_\_\_\_\_. Section 48A.8, subsection 4, Code 2013,  
43 is amended to read as follows:

44 4. A registrant under subsection 2 who is required  
45 to present additional identification when casting  
46 a ballot in person shall be permitted to vote a  
47 provisional ballot if the voter does not provide the  
48 required additional identification documents pursuant  
49 to subsection 2. If a voter who is required to present  
50 such additional identification when casting a ballot

S3223.2222 (2) 85

-2-

tm/jp

2/10





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 votes an absentee ballot by mail, the ballot returned  
2 by the voter shall be considered a provisional ballot  
3 pursuant to sections 49.81 and 53.31.

4 Sec. \_\_\_\_\_. Section 48A.27, subsection 4, paragraph  
5 c, subparagraph (2), Code 2013, is amended to read as  
6 follows:

7 (2) The notice shall contain a statement in  
8 substantially the following form:

9 Information received from the United States postal  
10 service indicates that you are no longer a resident of,  
11 and therefore not eligible to vote in (name of county)  
12 County, Iowa. If this information is not correct,  
13 and you still live in (name of county) County, please  
14 complete and mail the attached postage paid card at  
15 least ten days before the primary or general election  
16 and at least eleven days before any other election at  
17 which you wish to vote. If the information is correct  
18 and you have moved, please contact a local official  
19 in your new area for assistance in registering there.  
20 ~~If you do not mail in the card, you may be required~~  
21 ~~to show identification before being allowed to vote~~  
22 ~~in (name of county) County.~~ If you do not return the  
23 card, and you do not vote in an election in (name of  
24 county) County, Iowa, on or before (date of second  
25 general election following the date of the notice) your  
26 name will be removed from the list of voters in that  
27 county.

28 Sec. \_\_\_\_\_. Section 48A.29, subsection 1, paragraph  
29 b, Code 2013, is amended to read as follows:

30 b. The notice shall contain a statement in  
31 substantially the following form:

32 Information received from the United States postal  
33 service indicates that you are no longer a resident  
34 of (residence address) in (name of county) County,  
35 Iowa. If this information is not correct, and you  
36 still live in (name of county) County, please complete  
37 and mail the attached postage paid card at least ten  
38 days before the primary or general election and at  
39 least eleven days before any other election at which  
40 you wish to vote. If the information is correct, and  
41 you have moved, please contact a local official in your  
42 new area for assistance in registering there. ~~If you~~  
43 ~~do not mail in the card, you may be required to show~~  
44 ~~identification before being allowed to vote in (name~~  
45 ~~of county) County.~~ If you do not return the card, and  
46 you do not vote in some election in (name of county)  
47 County, Iowa, on or before (date of second general  
48 election following the date of the notice) your name  
49 will be removed from the list of voters in that county.

50 Sec. \_\_\_\_\_. Section 48A.29, subsection 3, paragraph

S3223.2222 (2) 85

-3-

tm/jp

3/10



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 b, Code 2013, is amended to read as follows:  
2     b. The notice shall contain a statement in  
3 substantially the following form:  
4     Information received by this office indicates that  
5 you are no longer a resident of (residence address) in  
6 (name of county) County, Iowa. If the information is  
7 not correct, and you still live at that address, please  
8 complete and mail the attached postage paid card at  
9 least ten days before the primary or general election  
10 and at least eleven days before any other election at  
11 which you wish to vote. If the information is correct,  
12 and you have moved within the county, you may update  
13 your registration by listing your new address on the  
14 card and mailing it back. If you have moved outside  
15 the county, please contact a local official in your  
16 new area for assistance in registering there. ~~If you~~  
17 ~~do not mail in the card, you may be required to show~~  
18 ~~identification before being allowed to vote in (name~~  
19 ~~of county) County.~~ If you do not return the card, and  
20 you do not vote in some election in (name of county)  
21 County, Iowa, on or before (date of second general  
22 election following the date of the notice) your name  
23 will be removed from the list of registered voters in  
24 that county.  
25     Sec. \_\_\_\_\_. Section 49.53, subsection 1, Code 2013,  
26 is amended to read as follows:  
27     1. The commissioner shall not less than four  
28 nor more than twenty days before the day of each  
29 election, except those for which different publication  
30 requirements are prescribed by law, publish notice of  
31 the election. The notice shall contain a facsimile  
32 of the portion of the ballot containing the first  
33 rotation as prescribed by section 49.31, subsection 2,  
34 and shall show the names of all candidates or nominees  
35 and the office each seeks, and all public questions,  
36 to be voted upon at the election. The sample ballot  
37 published as a part of the notice may at the discretion  
38 of the commissioner be reduced in size relative to  
39 the actual ballot but such reduction shall not cause  
40 upper case letters appearing in candidates' names  
41 or in summaries of public measures on the published  
42 sample ballot to be less than nine point type. The  
43 notice shall also state the date of the election, the  
44 hours the polls will be open, that all voters will be  
45 required to show proof of identification before casting  
46 a ballot, the location of each polling place at which  
47 voting is to occur in the election, and the names of  
48 the precincts voting at each polling place, but the  
49 statement need not set forth any fact which is apparent  
50 from the portion of the ballot appearing as a part of

S3223.2222 (2) 85

-4-

tm/jp

4/10



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 the same notice. The notice shall include the full  
2 text of all public measures to be voted upon at the  
3 election.

4 Sec. \_\_\_\_\_. Section 49.77, subsection 3, Code 2013,  
5 is amended by striking the subsection and inserting in  
6 lieu thereof the following:

7 3. a. A precinct election official shall  
8 require the voter to present for inspection proof of  
9 identification before being allowed to vote.

10 b. For purposes of this section, "*proof of*  
11 *identification*" refers to a document that satisfies all  
12 of the following:

13 (1) The document shows the name of the individual  
14 to whom the document was issued which shall conform to  
15 the name on the election register.

16 (2) The document shows a photograph of the  
17 individual to whom it was issued.

18 (3) The document was issued by the government of  
19 the United States, the state of Iowa, an Iowa public  
20 or private university or college, an Iowa secondary  
21 school, or a political subdivision of the state of  
22 Iowa. In the case of a document issued by a political  
23 subdivision, the document shall be issued not later  
24 than the close of voter registration for the applicable  
25 election as set forth in section 48A.9 and shall  
26 meet all other requirements established by the state  
27 commissioner by rule.

28 c. In lieu of paragraph "b", a person wishing to  
29 vote may establish proof of identity by written oath  
30 of the person wishing to vote and of an attesting  
31 person who provides proof of identification pursuant  
32 to paragraph "b". The oath shall be in the form  
33 prescribed by the state commissioner of elections  
34 and shall state the identity and attest to the stated  
35 identity of the person wishing to vote. The oath  
36 must be signed by the attesting person and the person  
37 wishing to vote in the presence of the appropriate  
38 precinct election official. A person who has signed an  
39 oath attesting to a person's identity as provided in  
40 this paragraph is prohibited from signing any further  
41 oaths as provided in this paragraph for the same  
42 election. The oath shall advise the person wishing to  
43 vote and the attesting person that falsely signing such  
44 an oath or falsely attesting to a voter's identity is  
45 a class "D" felony.

46 d. The commissioner shall, within forty-five days  
47 after each election, review all attestations received  
48 under this subsection and if any individual is found to  
49 have attested for more than one voter in a particular  
50 election, the commissioner shall immediately notify the

S3223.2222 (2) 85

-5-

tm/jp

5/10



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 state commissioner and the county attorney.  
2 Sec. \_\_\_\_\_. Section 49.77, Code 2013, is amended by  
3 adding the following new subsection:  
4 NEW SUBSECTION. 3A. a. If proof of identification  
5 or proof of identity is established under subsection 3,  
6 the person shall be allowed to vote.  
7 b. If a person is unable or refuses to present  
8 proof of identification, or the precinct election  
9 official determines the proof of identification  
10 presented by the person does not qualify as proof of  
11 identification under subsection 3, paragraph "b",  
12 or proof of identity under subsection 3, paragraph  
13 "c", the person shall be offered the option to vote a  
14 ballot, but only in accordance with section 49.81.  
15 Sec. \_\_\_\_\_. Section 49.77, subsection 4, paragraph a,  
16 Code 2013, is amended to read as follows:  
17 a. A person whose name does not appear on the  
18 election register of the precinct in which that person  
19 claims the right to vote shall not be permitted to  
20 vote, unless the person affirms that the person is  
21 currently registered in the county and ~~presents proof~~  
22 ~~of identity~~, or the commissioner informs the precinct  
23 election officials that an error has occurred and that  
24 the person is a registered voter of that precinct, and  
25 the person presents proof of identification pursuant  
26 to subsection 3. If the commissioner finds no record  
27 of the person's registration but the person insists  
28 that the person is a registered voter of that precinct,  
29 the precinct election officials shall allow the person  
30 to cast a ballot in the manner prescribed by section  
31 49.81.  
32 Sec. \_\_\_\_\_. Section 49.81, subsection 1, Code 2013,  
33 is amended to read as follows:  
34 1. A prospective voter who is prohibited under  
35 section 48A.8, subsection 4, section 49.77, subsection  
36 3A, paragraph "b", section 49.77, subsection 4, section  
37 49.80, or section 53.19, subsection 3, or section 53.22,  
38 subsection 1, paragraph "d", from voting except under  
39 this section shall be notified by the appropriate  
40 precinct election official that the voter may cast a  
41 provisional ballot. The voter shall mark the ballot  
42 and immediately seal it in an envelope of the type  
43 prescribed by subsection 4. The voter shall deliver  
44 the sealed envelope to a precinct election official who  
45 shall deposit it in an envelope marked "provisional  
46 ballots". The ballot shall be considered as having  
47 been cast in the special precinct established by  
48 section 53.20 for purposes of the postelection canvass.  
49 Sec. \_\_\_\_\_. Section 49.81, subsection 2, paragraph b,  
50 Code 2013, is amended to read as follows:

S3223.2222 (2) 85

-6-

tm/jp

6/10



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1     **b.** If the person is casting a provisional ballot  
2 because the person ~~failed~~ was unable or refused to  
3 provide a required form of identification pursuant to  
4 section 48A.8, subsection 4, section 49.77, subsection  
5 3A, paragraph "b", section 49.77, subsection 4, or  
6 section 53.22, subsection 1, paragraph "d", a list of  
7 the types of acceptable identification and notification  
8 that the person must show identification before the  
9 ballot can be counted.

10     Sec. \_\_\_\_\_. Section 49.81, Code 2013, is amended by  
11 adding the following new subsection:  
12     NEW SUBSECTION. 5. **a.** If a voter casts a  
13 provisional ballot pursuant to section 49.77,  
14 subsection 3A, paragraph "b", the precinct election  
15 official shall indicate on the provisional ballot  
16 envelope that the voter is casting a provisional ballot  
17 due to the voter's inability or refusal to present  
18 proof of identification.

19     **b.** At the time a provisional ballot is cast the  
20 voter may also execute an affidavit in the form  
21 prescribed by the state commissioner which shall be  
22 attached to the provisional ballot envelope, affirming  
23 that the voter is the person the voter claims to be and  
24 further affirming either of the following:  
25     (1) The voter is indigent and is unable to obtain  
26 proof of identification without the payment of a fee.  
27     (2) The voter has a religious objection to being  
28 photographed.

29     **c.** A provisional ballot cast pursuant to section  
30 49.77, subsection 3A, paragraph "b", which is  
31 accompanied by an affidavit executed pursuant to  
32 paragraph "b" of this subsection shall be presumed  
33 valid by the special precinct board and shall be  
34 counted unless additional written statements or  
35 documents are delivered to the commissioner's office  
36 prior to the date provisional ballots are considered  
37 by the special precinct election board and the special  
38 precinct election board determines such additional  
39 evidence successfully rebuts the presumption of  
40 validity.

41     Sec. \_\_\_\_\_. Section 53.10, subsection 2, Code 2013,  
42 is amended to read as follows:  
43     2. Each person who wishes to vote by absentee  
44 ballot at the commissioner's office shall first sign  
45 an application for a ballot including the following  
46 information: name, current address, and the election  
47 for which the ballot is requested. The person may  
48 report a change of address or other information on  
49 the person's voter registration record at that time.  
50 The person must also provide proof of identification

S3223.2222 (2) 85

-7-

tm/jp

7/10



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1 pursuant to section 49.77, subsection 3, or be offered  
2 the option to vote a provisional ballot pursuant to  
3 section 49.77, subsection 3A, paragraph "b", before  
4 receiving an absentee ballot. Upon receipt of the  
5 absentee ballot, the registered voter shall immediately  
6 mark the ballot; enclose the ballot in a secrecy  
7 envelope, if necessary, and seal it in an affidavit  
8 envelope; subscribe to the affidavit on the reverse  
9 side of the envelope; and return the absentee ballot  
10 to the commissioner. The commissioner shall record  
11 the numbers appearing on the application and affidavit  
12 envelope along with the name of the registered voter.

13 Sec. \_\_\_\_\_. Section 53.22, subsection 1, Code 2013,  
14 is amended by adding the following new paragraph:

15 NEW PARAGRAPH. d. Before receiving a ballot  
16 under this subsection, each applicant shall present  
17 proof of identification pursuant to section 49.77,  
18 subsection 3, to the special precinct election board  
19 members. If an applicant is unable to present proof of  
20 identification, the applicant shall have an opportunity  
21 to execute an affidavit in the form prescribed by the  
22 state commissioner of elections affirming that the  
23 voter does not have and is unable to obtain proof  
24 of identification and that the voter resides in a  
25 hospital or health care facility and is casting a  
26 ballot pursuant to this section. If the applicant  
27 refuses to execute an affidavit, the voter's ballot  
28 shall be considered a provisional ballot cast pursuant  
29 to section 49.81.

30 Sec. \_\_\_\_\_. Section 321.190, subsection 1, paragraph  
31 d, Code 2013, is amended to read as follows:

32 d. The fee for a nonoperator's identification card  
33 shall be five dollars and the card shall be valid for  
34 a period of five years from the date of issuance. A  
35 nonoperator's identification card shall be issued  
36 without expiration to anyone age seventy or over. If  
37 an applicant for a nonoperator's identification card  
38 is a foreign national who is temporarily present in  
39 this state, the nonoperator's identification card  
40 shall be issued only for the length of time the foreign  
41 national is authorized to be present as determined by  
42 the department, not to exceed two years. An issuance  
43 fee shall not be charged for a person whose driver's  
44 license or driving privilege has been suspended  
45 under section 321.210, subsection 1, paragraph  
46 "a", subparagraph (3), or for a person obtaining an  
47 identification card to be used under section 49.77,  
48 subsection 3, for voting purposes. Identification  
49 cards obtained for voting purposes shall be labeled by  
50 the department as "For Voting Purposes Only".

S3223.2222 (2) 85

-8-

tm/jp

8/10



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

1     Sec. \_\_\_\_ . APPLICABILITY. This division of this Act  
2 applies to elections held on or after January 1, 2015.>  
3     2. By renumbering as necessary.

\_\_\_\_\_  
JONI ERNST

\_\_\_\_\_  
BILL ANDERSON

\_\_\_\_\_  
RANDY FEENSTRA

\_\_\_\_\_  
DAVID JOHNSON

\_\_\_\_\_  
MARK SEGEBART

\_\_\_\_\_  
NANCY J. BOETTGER

\_\_\_\_\_  
CHARLES SCHNEIDER

\_\_\_\_\_  
DAN ZUMBACH

\_\_\_\_\_  
MICHAEL BREITBACH

\_\_\_\_\_  
JERRY BEHN

\_\_\_\_\_  
AMY SINCLAIR



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

\_\_\_\_\_  
KEN ROZENBOOM

\_\_\_\_\_  
RICK BERTRAND

\_\_\_\_\_  
MARK CHELGREN

\_\_\_\_\_  
JACK WHITVER

\_\_\_\_\_  
JAKE CHAPMAN

\_\_\_\_\_  
SANDRA H. GREINER

\_\_\_\_\_  
TIM L. KAPUCIAN

\_\_\_\_\_  
BRAD ZAUN

\_\_\_\_\_  
KENT SORENSON

\_\_\_\_\_  
ROBY SMITH

\_\_\_\_\_  
DENNIS GUTH

\_\_\_\_\_  
HUBERT HOUSER

\_\_\_\_\_  
BILL DIX





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
May 07, 2013

Senate File 452

S-3243

1 Amend the amendment, S-3223, to the House amendment,  
2 S-3218, to Senate File 452, as amended, passed, and  
3 reprinted by the Senate, as follows:  
4 1. Page 61, after line 22 by inserting:  
5 <DIVISION \_\_\_\_\_  
6 TUITION GRANT AMOUNTS  
7 Sec. \_\_\_\_\_. Section 261.12, subsection 1, paragraph  
8 b, Code 2013, is amended by striking the paragraph and  
9 inserting in lieu thereof the following:  
10 b. For the fiscal year beginning July 1, 2013, and  
11 for each following fiscal year, five thousand dollars.>  
12 2. By renumbering as necessary.

---

ROBERT M. HOGG

S3223.2248 (1) 85

-1-

tm/jp

1/1